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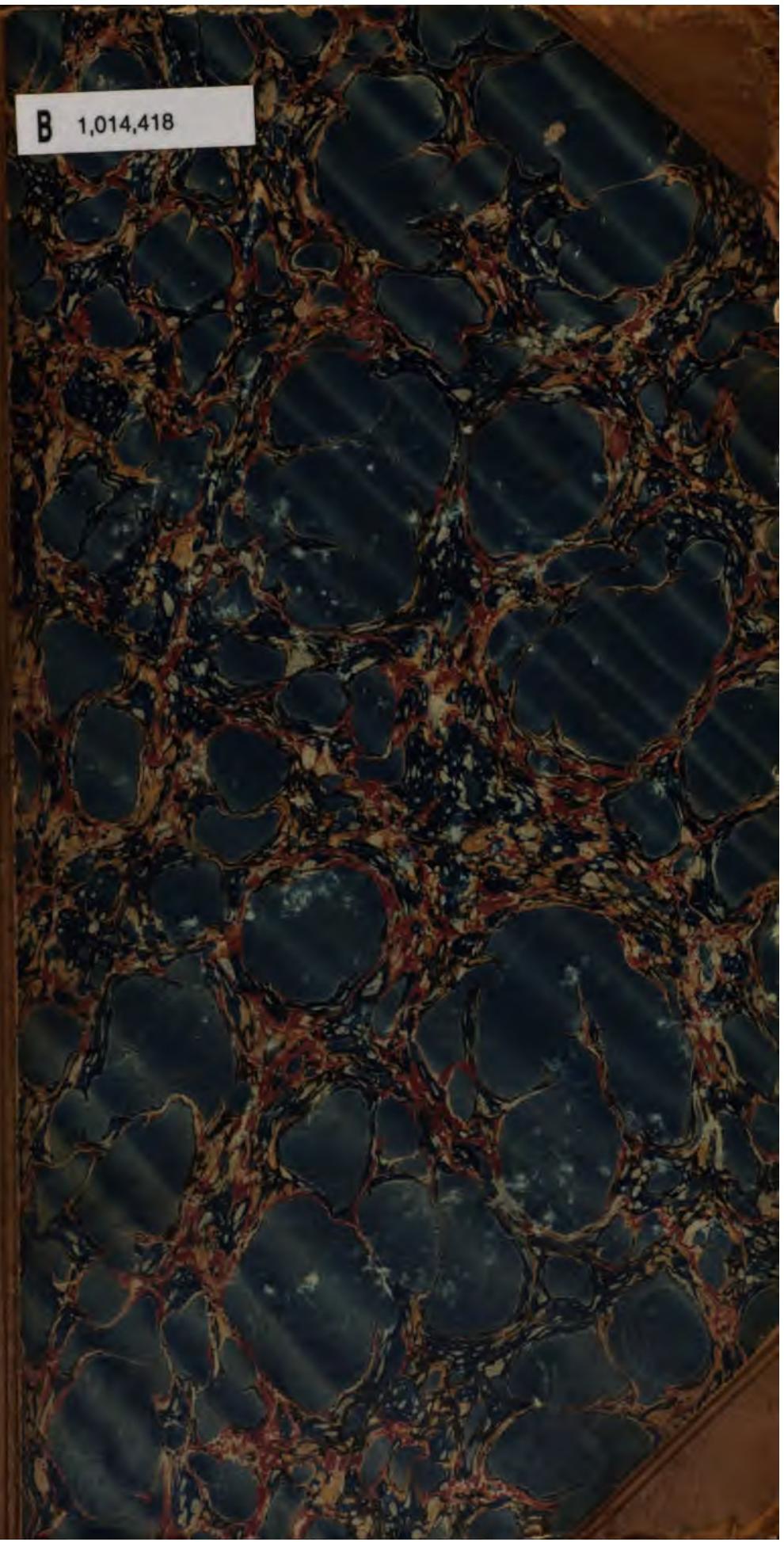
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HANSARD'S  
PARLIAMENTARY DEBATES,  
THIRD SERIES:

COMMENCING WITH THE ACCESSION OF  
WILLIAM IV.

36° & 37° VICTORIAE, 1873.

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VOL. CCXVII.

COMPRISING THE PERIOD FROM  
THE EIGHTH DAY OF JULY 1873,  
TO  
THE FIFTH DAY OF AUGUST 1873.

---

*Fourth and Last Volume of the Session.*

---

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1873.

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On the other hand, the results of the *A* and *T* are rather similar, and the two species seem to have been derived from a common ancestor.

# Geologic Features of the Gulf Coast

Bijlmer en de Gouwe, 2019, 16(1)

and the other two were captured  
in the same manner. The last  
was captured by a Mr. W. H.  
McGillivray, who was engaged  
in shooting at a deer.

$$\frac{d}{dt} \left( \frac{\partial \mathcal{L}}{\partial \dot{x}_i} \right) = \frac{\partial^2 \mathcal{L}}{\partial x_i \partial t} \ddot{x}_i + \frac{\partial^2 \mathcal{L}}{\partial \dot{x}_i \partial t} \dot{x}_i + \frac{\partial^2 \mathcal{L}}{\partial x_i \partial \dot{x}_i} v_i + \frac{\partial^2 \mathcal{L}}{\partial \dot{x}_i \partial \dot{x}_i} \ddot{x}_i$$

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### *Supreme Court of Judicature Bill—continued.*

that this House has afforded, it is inexpedient, without allowing time for further inquiry, to pass a Bill which establishes a separate Court of Ultimate Appeal for England, and must therefore render a repeal of the settlement under the Acts of Union necessary, if the appeals from those countries are to be transferred to that Court, the formation of which will justify Scotland and Ireland desiring to have separate Courts of Ultimate Appeal in their own capitals if no longer allowed to come to this House; and it is therefore expedient that the consideration of the Amendments made by the House of Commons be deferred for three months,")—(The Chairman of Committees.)

After debate, on Question, That the words proposed to be left out stand part of the Motion? their Lordships divided: Contents 61, Not-Contents 34; Majority 27.

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Original Motion agreed to; Commons Amendments considered accordingly.

Several Amendments disagreed to; some agreed to; some agreed to, with Amendments.

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Resolutions to be reported *To-morrow*, at Two of the clock.

**WAYS AND MEANS—**

Considered in Committee

*1158*

(In the Committee.)

*Resolved*, That towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1874, the sum of £26,470,716, be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock.

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**CONFESION IN THE CHURCH OF ENGLAND—ADDRESS FOR A PAPER—**

Moved, that an humble Address be presented to Her Majesty for, Copy of petition presented to the Upper House of Convocation of the Province of Canterbury by the Archbishop of Canterbury, praying among other things for the training and licensing of a body of confessors in the Church of England; together with the names of the subscribers and copy of the answer to the same presented by the Committee of the whole Upper House,—(The Earl of Harrowby)	1166
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 PARLIAMENT—BUSINESS OF THE HOUSE—THE POST OFFICE BALANCES	
Moved, "That the House will proceed, this day, with the Motion relating to Post Office Balances, of which Notice has been given, after the Order of the Day for a Committee to consider of Her Majesty's Message,"—(Mr. Gladstone.)	
Motion agreed to.	
 H.R.H. THE DUKE OF EDINBURGH—THE QUEEN'S MESSAGE—	
Message from Her Majesty [28th July] considered in Committee (In the Committee.)	1180
Queen's Message read.	
Moved, (1.) "That the annual sum of Ten Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, towards providing for the Establishment of His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia, the said Annuity to be settled on His Royal Highness for his life, in such manner as Her Majesty shall think proper, and to commence from the day of the Marriage of their Royal Highnesses, such Annuity to be in addition to the Annuity now enjoyed by His Royal Highness under the Act of the twenty-ninth year of Her present Majesty."	
(2.) "That Her Majesty be enabled to secure to Her Imperial Highness the Grand Duchess Marie Alexandrovna, in case she shall survive His Royal Highness the Duke of Edinburgh, an annual sum not exceeding Six Thousand Pounds during her life, to support her Royal Dignity,"—(Mr. Gladstone.)	
After short debate, Motion agreed to.	
Resolutions to be reported To-morrow.	
 POST OFFICE (BALANCES)—TELEGRAPHIC DEPARTMENT—MIS-APPROPRIATION OF FUNDS—RESOLUTION—	
Moved, "That this House, having considered the Reports of the Select Committee of Public Accounts, records its disapproval of the conduct of the Post Office in respect of the mis-appropriation of balances therein mentioned; and is of opinion that the control of the Treasury over the Post Office as a Revenue Department having proved inadequate for the earlier detection and rectification of such irregularities requires to be more watchfully exercised,"—(Mr. Cross)	1189
Amendment proposed, To leave out from the word "House" to the end of the Question, in order to add the words "regrets to find, from the Reports of the Committee of Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purpose of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding,"—(Sir John Lubbock,)—instead thereof	1205

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Question proposed, "That the words proposed to be left out stand part of the Question;"—After long debate, Question put:—The House divided; Ayes 111, Noes 161; Majority 50.		
Division List, Ayes and Noes		
Words added:—Main Question, as amended, put, and agreed to.		
Resolved, That this House regrets to find, from the Reports of the Committee of Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purposes of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding.		
It being now Seven of the clock, the House suspended its Sitting.		
The House resumed its Sitting at Nine of the clock.		
SUPPLY—CIVIL SERVICE ESTIMATES—REPORT		
Resolutions [July 28] reported		
Moved, "That the said Resolutions be now read a second time."		
CUSTOM HOUSE CLERKS AT THE OUTPORTS—Observations, Viscount Sandon. After debate, Moved, "That the Debate be now adjourned,"—(Colonel Hogg:)—After further debate, Question put, and agreed to:—Debate adjourned till To-morrow.		
Telegraphs Bill [Bill 262]—		
Order for Committee read		
After short debate, Bill considered in Committee		
After short time spent therein, Bill reported; as amended, to be considered To-morrow.		
Railway Regulation Bill [Bill 23]—		
Bill considered in Committee		
After short time spent therein, Bill reported; as amended, to be considered To-morrow.		
Expiring Laws Continuance Bill [Bill 261]—		
Order for Committee read:—Moved, "That Mr. Speaker do now leave the Chair,"—(Mr. Baxter)		
Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day month, resolve itself into the said Committee,"—(Mr. Butt)—instead thereof.		
After short debate, Amendment, by leave, withdrawn.		
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Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to:—Bill considered in Committee.		
After short time spent therein, Bill reported; as amended, to be considered To-morrow.		
Landlord and Tenant (Ireland) Act (1870) Amendment Bill—Ordered (Mr. Butt, Mr. P. J. Smyth); presented, and read the first time [Bill 271]		
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After short debate, Resolved, That it appears by the Accounts laid before this House that the total Revenue of India for the year ending the 31st day of March 1872 was £50,110,215; the charges in India, including the collection of the Revenue, Interest on Debt, and Public Works ordinary, were £37,282,808; the N.W.I. charges in England (including £1,249,040, the value of Stores supplied to India) were £7,980,017; the Guaranteed Interest on the Capital of Railway and other Companies, in India and in England, deducting net Traffic Receipts, was £1,723,218, making a total charge for the same year of £46,986,038; and there was an excess of Income over Expenditure in that year amounting to £3,124,177; that the charge for Public Works extraordinary was £1,628,474, and that, including that charge the excess of Income over Expenditure was £1,495,705.	
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Question again proposed:—Debate resumed .....	1544
After short debate, Question put, and agreed to:—Main Question, by leave, withdrawn:—Bill withdrawn.	
<b>Post Office—MAIL CONTRACT (TABLE BAY AND ZANZIBAR), AND (ZANZIBAR AND ADEN)—</b>	
Moved, "That the fresh Contract for the Conveyance of the Mails between Table Bay and Zanzibar with the Union Steam Ship Company be approved,"—(Mr. Bruce) ..	1553
After short debate, Motion agreed to.	
Then—	
Resolved, That the Contract for the Conveyance of Mails between Zanzibar and Aden with the British India Steam Navigation Company be approved,—(Mr. Chancellor of the Exchequer.)	
<b>LORDS, TUESDAY, AUGUST 5.</b>	
<b>PROROGATION OF THE PARLIAMENT—</b>	
The ROYAL ASSENT was given to several Bills; And afterwards HER MAJESTY'S SPEECH was delivered to both Houses by The LORD CHANCELLOR.	
Then a Commission for proroguing the Parliament was read.	
After which,	
The LORD CHANCELLOR said—	
<i>My Lords, and Gentlemen,</i>	
By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Wednesday the Twenty-second day of October next; to be then held; and this Parliament is accordingly prorogued to Wednesday the Twenty-second day of October next.	
<b>COMMONS, TUESDAY, AUGUST 5.</b>	
<b>Law of Evidence Bill [Bill 274]—</b>	
Moved, That the Order for the Second Reading be discharged,"—(The Attorney General) .....	1559
Motion agreed to:—Order discharged; Bill withdrawn.	
<b>CRIMINAL LAW—MIDDLESEX GRAND JURIES—Question, Mr. Eykyn; Answer, Mr. Bruce</b>	1560
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 <b>IRELAND—DUNDALK MAGISTRACY—MOTION FOR CORRESPONDENCE</b> —	
<i>Moved</i> , “That there be laid before this House, a Copy of Correspondence, and all Documents connected therewith, between the Lord Chancellor of Ireland, his Lordship's Secretaries, and Mr. Callan, M.P., and E. H. M'Ardle, esquire, between the 23rd day of December 1868 and the 31st day of July 1869, with respect to the filling up of a vacancy on the Dundalk Bench of Magistrates, by the appointment of the Chairman of the Town Commissioners thereto,”—(Mr. Callan) ..	1564
After short debate, Motion, by leave, withdrawn.	
 <b>COUNTIES, IRELAND (LORD LIEUTENANTS AND MAGISTRATES)—MOTION FOR A RETURN</b> —	
<i>Moved</i> , “That there be laid before the House, a Return, as per annexed form, as to each county in Ireland stating the name of Lieutenant and date of his appointment as such : names of the local Magistracy with dates of appointment, distinguishing resident from non-resident, and amount of property for which each Magistrate appears rated for the relief of the poor as Occupier and as immediate Lessor, and stating whether usually resident or non-resident in County, in a tabular form,”—(Mr. Callan) ..	1566
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For the Death of the Duke of Northumberland.  
For the Death of the Duke of Bedford.  
For the Death of the Duke of Rutland.  
**LORDS.**

For the Death of the Duke of Norfolk.  
For the Death of the Duke of Argyll.  
For the Death of the Duke of Hamilton.  
For the Death of the Duke of Lauderdale.  
**SAT. FIRST.**

For the Death of the Duke of Marlborough.

**TUESDAY, JULY 15.**

The Earl De La Warr, after the Death of his Brother.

The Lord Stourton, after the Death of his Father.

The Lord Manners, after the Death of his Father.

**MONDAY, JULY 21.**

The Lord Lytton, after the Death of his Father.

**TUESDAY, JULY 22.**

The Earl of Chesterfield, after the Death of his Cousin.

**FRIDAY, JULY 25.**

## COMMONS.

### NEW WRITS ISSUED.

**MONDAY, JULY 21.** For the Death of the Duke of Northumberland.  
For Stafford (Eastern Division), v. John Robinson McClean, esquire, deceased.

**FRIDAY, JULY 25.** For Greenwich, v. Sir David Salomons, baronet, deceased.  
For Dundee, v. George Armitstead, esquire, Chiltern Hundreds.

### NEW MEMBER SWORN.

**MONDAY, AUGUST 4.**  
Greenwich—Thomas William Boord, esquire.



HANSARD'S  
PARLIAMENTARY DEBATES,  
IN THE  
*FIFTH SESSION OF THE TWENTIETH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 10 DECEMBER, 1868, AND THENCE  
CONTINUED TILL 6 FEBRUARY, 1873, IN THE THIRTY-  
SIXTH YEAR OF THE REIGN OF  
HER MAJESTY QUEEN VICTORIA.*

FOURTH AND LAST VOLUME OF THE SESSION.

**HOUSE OF LORDS,**

*Tuesday, 8th July, 1873.*

MINUTES.] — SELECT COMMITTEE — *Report—Improvement of Land.*

PUBLIC BILLS—*First Reading—Gas and Water Works Facilities Act, 1870, Amendment\* (201).*

*Second Reading—Canada Loan Guarantee (183); National Debt Commissioners (Annuities)\* (191); Blackwater Bridge\* (197); Prison Officers Superannuation (Ireland)\* (192).*

*Committee—Report—Slave Trade (East African Courts)\* (187); Slave Trade (Consolidation)\* (188).*

*Report—Ecclesiastical Commissioners\* (200).*

PRIVILEGE—THE APPELLATE JURISDICTION OF THIS HOUSE—SUPREME COURT OF JUDICATURE BILL.

EARL GRANVILLE: Before we proceed to the Orders of the Day, I wish to make an appeal to the noble and learned Lord opposite (Lord Cairns). I prefer doing it now to waiting till his Notice comes on, and I make the appeal with the more confidence because it re-

lates to a Bill on which the noble and learned Lord co-operated with great fairness with my noble and learned Friend on the Woolsack, in order to attain an object of importance to this House, and of the greatest importance with regard to the administration of justice in this country. The noble and learned Lord proposes—

“To call the attention of the House to the change in the proposals of the Government in reference to the Appellate Jurisdiction of this House which has been made since the Judicature Bill passed through this House, and to the consequences involved in this change; and to ask the Government whether they intend, and at what time, in the present Session to lay before this House a complete scheme for regulating appeals in Scotland and Ireland analogous to the appellate system for England contained in the Judicature Bill.”

It is impossible not to understand that the first portion of this Notice refers to certain proceedings going on in the House of Commons at the present moment. Now, I have always been led to believe that, though the practice in matters of this kind is similar in both

Houses, and though, in some respects, we are much more loose in the observance of points of Order than the other House, we ought in anything that regulates the relations of the two Houses to be equally scrupulous with them as to the mode in which we act. I have taken some pains to ascertain, and a combination of authorities satisfies me beyond all doubt, that such a Notice would not have been allowed to remain on the Votes of the other House. I think it is obvious, therefore, that it cannot be in accordance with the practice of your Lordships' House. I am quite aware that it is easy by ingenious devices to overcome any difficulty as to reference to the other House. I should deprecate that on the part of any Member of this House, and I am quite sure that the noble and learned Lord, in his position in this House, and having occupied with great distinction a post in which he superintended our discussions, would avoid any practice of that sort. I am informed by one of the most distinguished Members of the House of Commons—a Member perfectly independent of Her Majesty's Government—that the person of highest authority there would feel himself in considerable embarrassment in maintaining the universally acknowledged practice with regard to references to this House if Notices of this kind were given here. It is obvious that if we begin, retaliation will follow; and that, however convenient for us to anticipate a discussion to come on on any particular Bill, inconvenience and mischief would arise with regard to the mutual practice of the two Houses. I therefore venture to point out to the noble and learned Lord the difficulties of the position in which we should find ourselves, and to appeal to his sense of what is right in this matter not to go against the practice in the House of Commons, and which, I believe, is equally the practice of your Lordships' House.

LORD CAIRNS : I feel grateful to the noble Earl for the caution which he has been kind enough to give me, and shall endeavour to profit by it. I should have thought it more convenient if the noble Earl had waited to hear what I had to say before suggesting that what I was about to say would be out of Order. There is, however, this difference between the noble Earl and me. I have

had the advantage of hearing what he has said, and I venture to suggest that nothing is more out of Order than for the Leader of this House to tell us that he has consulted the authorities in the House of Commons, and that when their practice differs from ours our duty is to follow it.

EARL GRANVILLE: I protest against the remark of the noble and learned Lord. Wishing to know what was the undoubted practice of the other House, I ascertained it from those most likely to tell me; and to imagine that to ascertain a fact in that way is an insult to your Lordships' House shows the very great difficulty which the noble and learned Lord has in making the slightest answer to the points which I submitted to him.

#### CANADA LOAN (GUARANTEE) BILL.

(*The Earl of Kimberley.*)

(NO. 183.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that the purpose of the Bill was to guarantee the payment of a loan to be raised by the Government of Canada for the construction of public works, and to repeal the Canada Defences Loan Act, 1870. He would remind their Lordships that during the negotiations that resulted in the Treaty of Washington, the Dominion Government abstained from pressing their claim to compensation for the Fenian Raids, on account of the resolute refusal of the United States Government to entertain it; and they subsequently suggested that a guarantee by this country would be a mark of goodwill to Canada, and would facilitate the steps necessary to give effect to the Treaty. They also suggested that the guarantee authorized by the Canada Defences Loan Act, 1870, to the loan of £1,100,000 to be raised by the Dominion Government for the purposes of fortification and defences—no part of which had, however, been borrowed—should be cancelled or rather transferred to the execution of works of a peaceful character. They further proposed the commutation of a certain sum promised for armaments—bringing up the total sum proposed to be guaranteed to £4,000,000. Her Majesty's Govern-

*Earl Granville*

ment agreed to transfer the guaranteee of the sum for defences to the execution of works of a peaceful and productive character, but they did not think the sum for armaments could properly be included; and they ultimately agreed to propose a guarantee of £3,600,000—that was to say, of a further sum of £2,500,000 in addition to the £1,100,000 already guaranteed—to be expended in the improvement of canals and in the construction of a railway connecting the present railway system of Canada with the Pacific—connecting Canada with the Hudson's Bay territory, the North-west territory, and British Columbia. The Government, while thinking Canada bound to use its utmost efforts to defend itself—as it had gallantly done—thought this an exceptional case in which some assistance should be given; for the Fenian Raids, though as contemptible in their execution as they were wanton and unprovoked, and though repelled by the Canadians themselves with some help from the Imperial Government, involved an expense not to be measured by the actual injury perpetrated; and they were not directed against or caused by any Canadian policy, but arose out of the relations of this country with Ireland. However wise, moreover, it might be to abstain from guarantees, it must be remembered that the Dominion Government had undertaken the government of vast territories—a task which necessitated efficient means of communication throughout—and for this purpose this gigantic railway, which would be 2,900 miles in length, had been undertaken. The territory to be traversed had been described as barren, but there were few richer territories than the belt of the Saskatchewan. They were decidedly superior to Minnesota, whose progress had been unequalled in American colonization; and though the climate was rude there was no difficulty in producing corn and cattle. He believed a stream of emigration would before long be directed thither. The Dominion Government proposed to raise the sum of £8,000,000 sterling, to be expended in the construction of the Pacific Railway, and on the enlargement and improvement of the Canadian canals, and to make concessions of land for the line, the construction of which within 10 years was a condition on which British Columbia had acceded to the Confeder-

tion. The Imperial guarantee would enable Canada to effect a loan at lower interest than would otherwise be necessary, and her finances were in a condition which caused no misgiving as to her ability to bear the expense. It was not unreasonable, therefore, that we should to a certain extent help her with our own credit. The Canadian Government intended hereafter to construct the fortifications for which the loan of £1,100,000 was proposed; but they thought it inopportune to do this at a time when relations with the United States had been put on a mature and amicable basis, and one of the most eminent of Canadian statesmen (the late Sir George Cartier) had expressed to him strongly his opinion that the defence of a small portion of frontier would be useless until complete and efficient communications between the different parts of the Dominion had been effected. With respect to the allegation that this guaranteee was a bribe to the Canadians to forego their claims upon the United States on account of the Fenian Raids, he altogether repudiated such an imputation. The Bill was the result of Imperial policy—it was based on sound and sufficient grounds, and would place Canada and the other provinces of the Dominion in a state of permanent peace and tranquillity. That policy was not attributable to any one party or Ministry in this country. It had been promoted by the noble Earl opposite (the Earl of Carnarvon), by his noble Friend the Secretary for Foreign Affairs when he was at the head of the Colonial Office, and by his right hon. Friend the Secretary for War; and since he had himself been at the Colonial Office he had done his best to carry it out. The Treaty of Washington was on the whole greatly beneficial to Canada—in particular the provisions that secured to the Dominion the free import of fish and fish oil into the United States. Canada, moreover, was interested in the settlement of the differences between England and the United States, and though this country had reserved its right to bring forward the Canadian claim at a future time, there was no outstanding question between the Dominion and the United States. Congratulating his predecessors and the country on the confederation of the North American Provinces, he would

further express his hope that the work would soon be completed by the adhesion of Newfoundland. He thought it a matter for congratulation to the colonists that they had thus risen superior to local jealousies; and he would conclude by inviting the House to show its goodwill to the Dominion, and promote the accomplishment of the work by passing the Bill.

Moved that the Bill be now read 2<sup>a</sup>.—  
(*The Earl of Kimberley.*)

THE EARL OF CARNARVON said, he would join his noble Friend the Secretary for the Colonies in repudiating the unworthy suggestion that had somehow gained circulation, that this guarantee was in the nature of a bribe. He knew that the Government of this country—from whatever party it might be constituted—was incapable of offering any such inducement; and he was equally convinced that the Government of the Dominion was equally incapable of accepting one. It was a matter of Imperial policy, and was one of the conditions for the entry of British Columbia into the Confederation. He had no special love for guarantees, and if his memory did not deceive him the right hon. Gentleman now at the head of the Government and his Chancellor of the Exchequer had both in former times been eloquent in denouncing them; he should nevertheless give his support to the present proposition, believing that it was calculated to produce great advantage in consolidating the Empire. He did not think the proposed railway so doubtful a scheme as some people considered it; for, notwithstanding the enormous tract of country through which the line would pass, the engineering difficulties were few, while there could be no doubt it would open up a vast country of great fertility and mineral wealth. He dissented, however, from the noble Earl's opinion that the construction of the fortifications would be inopportune at the present moment; for notwithstanding the good understanding that now prevailed, he held that every country had a right to fortify its frontier without being supposed to menace its neighbours. He had doubts as to the propriety of the transfer of a former guarantee, though his last conversation with Sir George Cartier partly removed them; but he supported the Bill

in consideration of the difficulties under which Canada had accepted the Treaty of Washington, and the vast importance of the consolidation of the Confederation. When he considered, moreover, that the loan was to be borrowed by the Canadian Government on the security of the consolidated revenue fund of Canada, so that, should the railway prove a failure in a pecuniary sense the loss would not fall on us, he thought the guarantee might be given without much danger.

THE DUKE OF BUCKINGHAM AND CHANDOS said, that having some personal knowledge of the subject from his former connection with the Colonial Office, and from his acquaintance with eminent Canadian statesmen, he desired to express his full approval of the Bill. He approved especially of the diversion of the guarantee, given for constructing fortifications, to the construction of railways and reproductive works. He had always regretted that the first step of the Canadian Government should be to apply her resources to the erection of defences, which, however valuable in a military point of view, could only protect isolated parts of the frontier. He maintained that the strength of the Dominion rested in developed resources, increased population, and perfect means of communication, and that a railway promoting these objects would be the best provision for a contingency which recent transactions, though not altogether to be approved, had made very remote.

Motion *agreed to*: Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

#### RAILWAY AND CANAL TRAFFIC BILL.—(Nos. 172-211.)

##### COMMONS AMENDMENTS CONSIDERED.

Commons amendments to Lords amendments and Commons reasons for disagreeing to one of the amendments made by the Lords *considered* (according to order).

Commons amendments to Lords amendments *agreed to*.

THE MARQUESS OF RIPON asked their Lordships to waive the Amendment in Clause 25, to which the Commons disagreed. The clause as originally drawn gave power to the Commissioners, "if they think fit," at the instance of any party to the proceedings before them,

to state a case in writing for the opinion of a Superior Court upon any question of law. Their Lordships, however, struck out the words "may also, if they think fit," and inserted "shall," making the direction absolute instead of discretionary. To this Amendment the Commons disagreed, giving as their reasons that the Amendment would give rise to vexatious and costly litigation, which might be made use of to render the Bill inoperative; and secondly, because the matter might safely be left to the discretion of the Commissioners. The Government had been willing to accept the Amendment with some alterations; but both sides of the other House were agreed in treating it as inexpedient. He certainly thought that the absolute power of appeal would give an immense advantage to the Railway Companies, who possessed a power of the purse with which it would be vain for an individual to contend. He thought, further, that it was not clear whether this power did not extend to arbitration cases.

*Moved*, not to insist on the Amendment in Clause 25 to which the Commons have disagreed.—(*The Lord President.*)

THE DUKE OF RICHMOND said, he was sorry he could not agree in the course which the Lord President proposed, and which was not that which had the sanction of the Lord Chancellor on a former occasion, for the noble and learned Lord supported the Amendment which made the granting an appeal compulsory. As to the argument about the power of the purse possessed by Railway Companies, if it applied at all it applied universally, and a Railway Company ought not to be allowed an appeal on any occasion whatever. Under these circumstances, he hoped their Lordships would insist on their Amendment.

THE LORD CHANCELLOR said, it was true that, on a former occasion, he gave an opinion that it was desirable there should be a right of appeal in all cases; but it would be an exaggeration of that opinion to say that he would accept the responsibility of advising their Lordships to resist the other House on such a matter. He would not advise their Lordships to differ from the Commons, though perhaps if he had been in the House of Commons he should

have advised that House not to differ from their Lordships.

LORD CAIRNS thought it most undesirable that the appeal should be left to the discretion of the Commissioners. One man might grant it in every case, while another, resenting the notion that he could be wrong, would endeavour invariably to refuse it. He urged that the security to be given for costs would prevent improper appeals, and would propose the insertion of words which in arbitration cases would leave an appeal to the discretion of the Commissioners.

LORD HOUGHTON advocated adherence to the Amendment, on the ground that if the Commissioners had the power of refusing appeals they might incur discredit by being supposed to exercise it unduly.

On Question, Whether to insist? their Lordships *divided*:—Contents 79; Not-Contents 63: Majority 16.

*Resolved* in the *Affirmative*.

An amendment made to the said amendment; and a Committee appointed to prepare reasons to be offered to the Commons for the Lords insisting on their amendment: The Committee to meet on Thursday next, at a quarter before Five o'clock.

#### PRIVILEGE—THE APPELLATE JURISDICTION OF THIS HOUSE—SUPREME COURT OF JUDICATURE BILL.

##### OBSERVATIONS.

LORD CAIRNS rose, pursuant to Notice, to call the attention of the House to the change in the proposals of the Government in reference to the appellate jurisdiction of this House which has been made since the Judicature Bill passed through this House, and to the consequences involved in this change; and to ask the Government whether they intend, and at what time, in the present Session, to lay before this House a complete scheme for regulating appeals in Scotland and Ireland analogous to the appellate system for England contained in the Judicature Bill, and said: My Lords, the noble Earl the Secretary of State for Foreign Affairs at an earlier part of the evening called your Lordships' attention to a question of Order to what he said I was about to state. Now, my Lords, it appeared to me then as it appears now, whether I should not have done

right to bring on my Notice as a question of Privilege before the Orders of the Day; but as the Orders were not numerous, and were not likely to occupy much time, I was content to allow them to pass unchallenged. Referring, then, to the Notice I have given, I wish to call your Lordships' attention to a matter which, in my opinion, deeply concerns, not only the Judicature of this country, but also the Privileges of your Lordships' House. The Judicature Bill is so fresh in your Lordships' mind that I need do nothing more than mention one or two circumstances with regard to it which are necessary for my present purpose. The Judicature Bill, which was introduced in this House, was founded mainly upon the recommendations of the Judicature Commission. As to the majority of the proposals contained in that Bill it may be truly said that the public opinion was to a great extent fully matured. That Bill dealt with the Superior Courts of the First Instance in this country—it consolidated them—it amalgamated or "fused" the systems of law which they had to administer. It also proposed to deal with what, up to the time of its introduction, had been the intermediate Courts of Appeal—it amalgamated and strengthened the elements of which they were constituted—and formed one Court of Appeal, the decisions of which should be final and irreversible. The system, so far as England is concerned, which that Bill provided was a complete system. I do not now intend to enter upon any questions which might arise as to the various provisions of the Bill. I am well aware that many of your Lordships were not altogether satisfied with that part of it which—to use an expression somewhat common, though perhaps not altogether correct—took away your Lordships' jurisdiction. But whatever may have been individual opinions as to that or other parts of the Bill, no doubt the system provided by the Bill was, so far as England is concerned, clear, distinct, and complete. The measure, however, made no provision which dealt with any part of the Judicature of Scotland or Ireland, and—without in any way wishing to raise any argument *ad hominem* against my noble and learned Friend on the Woolsack, but with the view of reminding your Lordships of the nature of the information which we received from him, I shall take the liberty of

mentioning what fell from my noble and learned Friend upon this part of the question. The noble and learned Lord in introducing the Bill to your Lordships' House in that part of his most lucid and able speech in which he entered at length into the advantages of a system under which we should have a Court of First Instance and one irreversible appeal from that Court, said—

"I do not propose to deal by this Bill with the appeals from Scotland or Ireland. Those countries have each their own system of jurisprudence and judicature, with which, so far as their original jurisdiction is concerned, this Bill does not in any way deal. Furthermore, the evidence given before your Lordships' Committee last year by gentlemen conversant with the practice of appeals from Scotland was to the effect that no change was desired in that country. I think the views entertained by the people of Scotland on this subject are entitled to very great respect; it would be an unwise and unnecessary thing to propose changes applicable to that country which the public opinion of that country does not require. As to Ireland, there was also no evidence that any change was wanted. I do not, of course, conceal from myself that if you establish in England a thoroughly good appellate jurisdiction, and find that it works as we hope it will work, opinion both in Scotland and Ireland may probably hereafter tend to the application and adoption of the same system in those countries."—[*3 Hanard* coxiv. 348-9.]

Nothing can be more satisfactory than that exposition of the principle on which my noble and learned Friend acted, and I have no doubt that these are still his views on the matter. But upon the second reading of the Bill the noble and learned Lord went a little further. He said—

"With regard, however, to Irish and Scotch appeals, there were constitutional objections to transferring that portion of their Lordships' jurisdiction to what might be represented as an English Court, unless that transfer were made by the desire or with the approval of the two countries. The Act of Union with Scotland expressly provided that no appeals from that country should be decided by an English Court. With that provision standing in the Act of Union with Scotland it would have been a more dangerous question than he should like to raise in this Bill if the Government had proposed to transfer to the new Court of Appeal the power of reviewing the decisions of the Scotch Courts without first ascertaining that such a transfer would be approved by the people of Scotland. A similar objection also applied to Ireland. It could hardly be forgotten by their Lordships that in the last century a sharp controversy between the English and Irish Bar arose out of the authority assumed by the Court of Queen's Bench in England to act as a Court of Appeal

in Irish cases. That was ultimately solved in favour of the authority of the Irish House of Lords, and in the Act of Union it was provided that Irish appeals should be brought to the House of Lords of the United Kingdom. If it were now proposed to transfer Irish cases to the Court proposed to be established, the Government might inadvertently and unadvisedly revive that controversy which was settled by the Act of Union, and in the ever-varying currents of opinion in Ireland, with the demand for Home Rule, they might have brought a hornet's nest about them if they had raised that question. If, however, Parliament should now establish a Court such as may command its judgments, its constitution, its wisdom, and its authority to public opinion both in Scotland and Ireland, and especially if the Court should be established in such a manner as to admit of the introduction of the best elements of the Scotch and Irish Judicatures, they might, after ripe experience, look forward eventually to the further development of that as well as of other parts of the measure. At present it seemed better that their Lordships should begin to do what they saw to be practicable, hoping that if the new Court began well all further improvements would in the result naturally follow, seeing that such improvements, once begun, had a natural tendency to increase and develop themselves."—[*3 Hansard*, ccxiv. 1738-9.]

These observations of my noble and learned Friend were well known throughout the three kingdoms; and so far from giving rise to any disappointment or disapprobation in either Scotland or Ireland, I am not aware that they have been received otherwise than with approval by the people of those countries. Your Lordships may recollect that the Bill was referred to a Select Committee of the House. Upon that Committee I had the honour of serving. It was a very large Committee, and upon it were several of my noble and learned Friends; in addition to whom, however, was a very large number of what I may call the non-legal Members of the House; and I can only say that in my experience of Select Committees of this House I have never seen a Committee where the attendance was so full, and where the consideration of a Bill was so careful. The Committee sat from day to day, the Members of it assembled at the earliest possible hour, and sat through the whole of the day; and the Bill having been so considered was reported to your Lordships' House, and passed the third reading. I recollect, that at the conclusion of the Committee, the noble Earl opposite said—and the statement is one in which your Lordships will all concur—that the passage of the Bill through this House was creditable to the House;

that the great object of all appeared to be to facilitate the passage of the measure, subjecting it to a fair, proper, and wholesome criticism at the right time for doing so. But before the Bill left this House a circumstance occurred to which I must refer. Immediately before the third reading of the Bill the noble Lord the Chairman of Committees (Lord Redesdale) proposed a Resolution of which he had given Notice, and that Motion he pressed to a division. The Resolution of my noble Friend was to the effect that one tribunal of ultimate appeal for the hearing of disputed suits from the Courts of all the three kingdoms is more advantageous than separate tribunals for such appeals. Some discussion occurred on that Resolution. I recollect saying that I regretted not being able to support the proposal of the noble Lord, because it appeared to me that its ultimate consequence would be to extend the jurisdiction of the Court to be created by the Bill to appeals from Scotland and Ireland, which I considered that the House had clearly indicated its intention not to do. I must assume that an opinion on the subject similar to my own prevailed also with Her Majesty's Government, for I find that on the division the Motion of the noble Lord was voted against by my noble and learned Friend the Lord Chancellor, the Marquess of Lansdowne, the Earl of Camperdown, the Marquess of Ripon, Earl Granville, the Earl of Kimberley, the Earl of Morley, Viscount Halifax, the late Lord Chancellor, and others, Members of Her Majesty's Government. The result was that the noble Lord the Chairman of Committees was placed in a minority, and his Resolution was rejected. We are now informed—indeed, I believe I may say we have Parliamentary Notice, being furnished with the proceedings of what goes on in the other House—but, at all events, we know that the proposal of Her Majesty's Government now is that the Court which was created by this Bill as it passed your Lordships' House is to be made a Court of Appeal for Scotland and Ireland as well as for England. That is to say, that that which it was so expressly stated was not to be done will now be done, and that the vote of this House which declared the adoption of the Resolution of the noble Lord the Chairman of Committees to be inex-

dient is to be overruled. The first observation which I wish to make on the subject is that, in my opinion, the course which has been taken by Her Majesty's Government, though no doubt undesigned, is at the same time a clear, a palpable, and a most serious infringement of the privileges of this House. I have always understood the rule to be this—that it is a Privilege of your Lordships' House that any Bill affecting the limits of the jurisdiction of the House must be commenced in this House, and that having commenced here it cannot be altered elsewhere. This privilege of your Lordships' House is by no means an antiquated privilege which has abated from desuetude, or been abandoned from indisposition to assert it. It never has been departed from in any manner, but has, within the memory of many noble Lords around me, been asserted and allowed. In 1851, when there was before the House of Commons a Bill for the improvement of the Court of Chancery, which contained a clause empowering this House to require the assistance of the Equity in the same manner as it required the assistance of the Common Law Judges in hearing appeals, Lord Lyndhurst called the attention of your Lordships' House to the proposal, which he declared to be a breach of the privileges of your Lordships' House. That appears to be a tolerably harmless provision. It was taking away nothing from the power of this House, but Lord Lyndhurst called the attention of the House to it as a question of Privilege. I find that on the 23rd of June in that year a debate took place on the subject, and Lord Lyndhurst on that occasion, in moving that it be referred to the Committee of Privileges to consider and report what course should be taken, said—

"This House and the other House of Parliament had been always jealous of any invasion of their privileges, and it was certainly important (particularly at the present moment, when they saw what was passing around them) that their Lordships should exercise caution and vigilance in the maintenance of their just rights and privileges. He had always understood that it was a principle and part of the policy of Parliament that no Bill, affecting in any manner, even remotely, the rights of the Peerage, or of their Lordships' House, the jurisdiction and authority of this House, the manner in which that jurisdiction should be exercised, or the parties employed to sit in that jurisdiction, should originate in the other House of Parliament. That was a principle stated in very distinct terms by

*Lord Cairns*

Sir William Blackstone (1 *Blackstone*, 168), and by many other writers who had directed their attention to the subject of the constitution; and in consequence of that principle he now took the liberty of addressing their Lordships."—[3 *Hansard*, cxvii. 1069-70.]

It may be as well that I should read to your Lordships the statement of Sir William Blackstone on the subject. It is somewhat fuller than it was necessary for Lord Lyndhurst to quote for the purpose which he then had in view. The statement of Sir William Blackstone was as follows—

"All Bills likewise which may in their consequences any way affect the right of the Peerage are by the custom of Parliament to have their first rise and beginning in the House of Peers and to suffer no changes or amendments in the House of Commons."

Lord Lyndhurst continued on the occasion to which I am referring—

"Their Lordships were aware (it was a matter of perfect notoriety—it had appeared in the Votes of the other House)—

That, my Lords, can scarcely be out of Order in 1873 which was perfectly in Order in 1851—

"That a Bill had been brought into the other House for the purpose of improving the administration of justice in the Court of Chancery."

Lord Lyndhurst went on to say—

"Thus far he concurred in the objects of the Bill. The question which remained was, how this assistance was to be obtained? He was quite sure, with reference to the principle he had before stated, it ought not to be obtained through the medium of any Bill introduced into the other House of Parliament. The Bill to which he had referred contained a provision that certain persons should attend their Lordships' House to hear appeals; that they should be summoned; and that, in accordance with such summons, they should attend their Lordships and give their advice and assistance. Could anything be more inconsistent with the known privileges of their Lordships' House, than such a provision in a Bill introduced in the other House? It related to their Lordships' jurisdiction—it related to the manner in which that jurisdiction was to be exercised—it related to persons to assist in the exercise of that jurisdiction. Applying those facts to the principle he had before stated, he begged to say, with some confidence, that it was a direct invasion of the privileges of their Lordships' House."—[3 *Hansard*, cxvii. 1071.]

At the time the late Marquess of Lansdowne was the Leader of the Government in this House, and the noble Earl the present Secretary for Foreign Affairs, who now leads the House, sat beside the Marquess of Lansdowne as a Member of the Government. The

discussion continued, and the Lord Chancellor of the day (Lord Truro) said that—

"The Bill was prepared with an earnest desire to avoid all infringement upon their Lordships' privileges. Although it was quite true that the ancient Judges were in the habit of attending that House, they were in truth the persons who prepared the Bills. When the House had resolved that a law should be adopted for a particular intent and purpose, the Judges prepared the Bill, but this practice not being the case in modern times, the Judges only attended when summoned. The purport of his clause in the Bill which gave occasion to his noble and learned Friend's observations was that the Vice Chancellor and the Master of the Rolls should attend in like manner as the Judges of the Courts of Common Law, and should in like manner give advice and assistance by their opinion upon all questions prepared for their consideration. If the clause should be found to interfere with their Lordships' privileges he trusted it would be so modified as to secure those privileges from any interference whatever."

"Lord LYNDHURST stated that he had no objection to the substance of the clause; he only wished it to be carried into effect in a constitutional way. It ought not to be introduced into a Bill coming from the House of Commons.

"The Marquess of LANSDOWNE said . . . He could assure the noble and learned Lord that the clauses of which he complained had not been inserted in the Bill with any view of violating the privileges of their Lordships' House; nor could it be accurately stated that their privileges had been violated until the Bill came up to them containing this objectionable clause. Until the Bill came up to them from the House of Commons, their Lordships were not in a state to say that any clause had been improperly inserted in the Bill by the House of Commons. He had no objection to the Motion.

"Lord STANLEY vindicated the course pursued by his noble Friend. . . . But the argument of the noble Marquess was entirely opposed to the argument of the noble Lord on the Wool-sack, who did not consider the clause one violating their privileges, but one which had been studiously framed not to infringe them in any respect.

"The Duke of RICHMOND claimed the right of the House of Lords to insert money clauses in their Bills. It was a privilege which they always claimed, although it was contested by the House of Commons. The latter Assembly had given directions that any Bill with money clauses inserted should be kicked to the Bar by their Speaker. Of late they had not been so uncourteous. But if this Bill came up with the clause referred to contained in it, he would move that the Lord Chancellor kick it to the Bar.

"The Marquess of LANSDOWNE intimated the intention of the Government to have the clause withdrawn."—[*3 Hansard*, cxvii. 1073-75.]

The noble Earl opposite (Earl Granville) requires a precedent for the course which I am now pursuing, and I think I have furnished him with one, which it

is not only allowable but absolutely necessary to follow in the present instance. I say so because if we wait until the Bill comes back to us we shall be too late—I mean too late for those who have any good will towards the measure, as I have; because, if the Bill comes up from the other House with a provision which infringes the Privileges of your Lordships' House, it will not become a question of agreement or disagreement with the Commons' Amendments, a question of a Conference or advancing Reasons one way or the other—for no House of Parliament would submit to have its privileges thus dealt with by the other branch of the Legislature. Each House of Parliament is the judge of its own privileges. Let me remind your Lordships of the rule which has been laid down by Lord Coke, and which has been invariably acted upon—

"Whatever matter arises concerning either House of Parliament ought to be discussed and adjudged in that House to which it relates, and not elsewhere."

Now, if a Bill which infringes the Privileges of this House comes up from the other House of Parliament we cannot amend it and we cannot disagree from the Amendments made in it on a question of Privilege. There is only one course which, as far as I know, can be adopted by this House, and that is, to lay the Bill aside. It would be too late to do anything else when the Bill comes up here; and it is therefore important that attention should at once be called to the matter, in order that the provision to which I am referring may be withdrawn while it can be withdrawn.

And now, my Lords, I want to know what is the reason why this infringement of the Privileges of this House should be attempted? Is it to carry out to its logical consequences anything that has been done by your Lordships already? I will show you that not only is that not the case, but that the proposed change will entirely overthrow the principles on which we have proceeded. What were the grounds on which your Lordships were called to agree to the cessation of appeals from England coming to this House? The grounds were two. One ground was advanced much more by my noble and learned Friend the late Lord Chancellor in connection with the measure which he brought forward last year than by my noble and

learned Friend on the Woolsack this year. That ground was that so long as you have in this country a Judicial Committee of the Privy Council hearing appeals from the Colonies, and this House hearing appeals from the United Kingdom, you have two co-ordinate and final Courts of Appeal, both of whose decisions are irreversible, and that there was therefore a possibility of collision between those two co-ordinate powers. The ground—and, as I think, the more solid ground—urged with great force by my noble and learned Friend on the Woolsack this year was that it was a good thing in itself to have as perfect a hearing in a Court of First Instance as could be secured, and as strong a Court of Appeal as could be created. My noble and learned Friend urged that the multiplication of appeals was an evil, and that a second appeal was not a good thing in itself. That is a view which has largely prevailed among those for whose opinions I entertain a great respect—among members of the Bench—it is a view which was urged with great force in this House some years ago, and which has been largely adopted by the Press of this country. There is much, I think, to be said in favour of it, although it does not perhaps carry with me the weight which it does with many other persons. Such, however, was the argument which was urged very strongly by my noble and learned Friend on the Woolsack this year. Let us consider it for a few moments. I have always maintained that this was the turning point of the question—where the appeal should lie and where it should be heard. It is not necessary to show that so long as there were only some 50 or 60 appeals to be disposed of every year, there was nothing whatever to prevent this House from disposing of them with perfect facility. It was absurd to talk of the inconveniences arising from any irregularity of attendance, because they could easily be obviated; but if you are to have only one Court of Appeal, to which every subject of appeal must come—and I think I mentioned last year that there would be some 400 or 500 of them—perhaps more—it would be quite impossible for this House to undertake that duty and to discharge it satisfactorily. How is that principle to be applied to Scotland and Ireland? Is it a part of the proposal of the Government that

they are to deal with Scotland and Ireland as they have dealt with England? Nothing of the kind. We are told that the Government have not quite made up their minds as to what is to be done in the case of Scotland and Ireland in regard to intermediate appeals, but there is a suggestion that they should continue as they are at present. If so, the whole reason that exists for dealing with the English appeals in the way the Bill deals with them fails entirely to apply to the case of Scotland and Ireland, by your leaving them the intermediate appeals they possess. Take the danger of the possibility of a conflict between two great co-ordinate Courts of Appeal—the Judicial Committee of the Privy Council and the House of Lords. What is the proposal with respect to Scotland and Ireland? I understand that the Court of Appeal to be established by the Judicature Bill is to have a paid member from the Scotch Bar and a paid member from the Irish Bar, and at least two *ex officio* members from Scotland and two from Ireland; and the reason given for that is that, coming from those countries, they should hear Scotch and Irish appeals. The consequence is that, the Court sitting in Divisions, which are not to consist of less than three members—and they are not at all likely to consist of more—you will have Scotch appeals heard by a Division with at least two Scotch members, and the Irish appeals heard by a Division with at least two Irish members. The Indian appeals will be heard by a Division in which at least the two Indian Judges who at present sit in the Judicial Committee will be found; and I suppose you will have the English appeals heard by the English Judges. Thus you will have—not two co-ordinate Courts of Appeal, because the decisions of every one of those Divisions will be irreversible, but you will have a quadrilateral Court of Appeal—four Courts of Appeal deciding according to different grooves and running in different channels of thought; and the possibility suggested to us last year as a reason for making a change—namely, of a difference of opinion between the Judicial Committee and this House in an English case—will, I say, be turned into the certainty of a difference of opinion between the various Divisions of your Court of Appeal. Well, when this ob-

jection is taken, what do we find? Why, that the Government ridicule that idea, quote the example of the Judicial Committee and the House of Lords, and say, "Only look; for 100 years you have had two great co-ordinate Courts of Appeal sitting side by side, yet they have never come into collision; no practical man would take into account such a possibility; you are not to suppose these three or four Divisions are more likely to come into collision than the Judicial Committee and the House of Lords." So that the reason assigned last year as a ground for our parting with our jurisdiction is actually ridiculed this year when it is shown that that possibility has become a certainty in reference to a collision between the different Divisions of your new Appellate Court.

Now, my Lords, is this infringement of our Privileges called for by the public opinion of Scotland and Ireland? The evidence taken before your Lordships' Committee last year may be taken as a fair indication of the feeling of the profession, at all events in regard to Scotch and Irish appeals. No stronger evidence could be imagined of the contentment of the Scotch and Irish with their appeals coming to this House. I think the present Lord Advocate deprecated any change taking the Scotch appeals from this House. Well, your Committee of last year reported accordingly. Has there been any manifestation of public opinion in consequence of the announcement at the beginning of this Session that Scotch and Irish appeals were to be retained in this House? I am not aware of any. I have searched for the opinion of Scotchmen on this great and important proposal. One gentleman representing an important constituency and a supporter of the Government (Mr. Macfie), I find, says—

"A great amount of ignorance prevailed upon the subject, and that ignorance had been rendered more profound by the misleading articles that had appeared in some of the newspapers which ought to have known better. The amendments which would make the Bill applicable to Scotland had only just been put upon the paper, it would be next week before they could be proposed and discussed, and therefore he thought that on the whole, it would be better to postpone, at any rate until next Session, the proposal to bring Scotland within the scope of the measure. His own view was that the best course to adopt, instead of bringing Scotch appeals to England, and so necessitating a cost which would give the rich suitors an advantage over the poor, would be to create a

well-paid and thoroughly efficient Appellate Court in Scotland which should have jurisdiction over all appeals relating to that country."

My noble and learned Friend on the Woolsack did not use too strong an expression when he said the Government would be bringing a hornet's-nest about their heads if they opened that question of Scotch and Irish appeals. I see that some Resolutions were adopted the other day at a meeting of the Bar of Ireland, and they amounted to this that it would be a very good thing to have a Central Court of Appeal in London, provided it could sit in Dublin; and it should be profusely ornamented by members of the Irish Bar and Irish Bench. That was very patriotic and sensible, though, perhaps, hardly consistent in expression. Now, there are three views which might be taken in this matter. Scotland and Ireland might say—"We would like to be as you are going to be in England—namely, to have only one hearing and then a great Court of Appeal, extinguishing all intermediate appeals, which cost much money." A second view would be this—"Oh, we are quite content with our Primary Courts; we like our intermediate appeals, and don't want them taken away; and we are willing to go to London for an ultimate appeal." But the third, and much more serious view would be if Scotland and Ireland should say—"How did we ever come to London with our appeals at all; how did the thing begin? Scotchmen never went to London before the Treaty of Union; and the reason was that whereas they had their own Parliament and their own House of Lords at home until you absorbed them, and since then we have followed them, and come to the House of Lords in London." And suppose the people of Ireland should say—"We did once go to the Court of Queen's Bench in England; but the country was very nearly in rebellion, and in 1780 you had again to legislate and give the thing up. We would not endure it; and we had our appeal to our own House of Lords." The Irish people would not stand it; and the only footing on which they came to London was that their own House of Lords was absorbed in your Lordships' House. But suppose the Scotch and Irish should say—"If that arrangement is to come to an end, we should like to do our own business at home; we should like to have a well paid and thoroughly

efficient Court of Appeal in Scotland—as Mr. Macfie suggests. What is the use of two Scotch Judges and one English Judge sitting in London to hear a Scotch case? It would be just as easy to send the English Judge down to hear it in Edinburgh, instead of requiring all the parties, the writers and agents, to come to London with all the consequential expense; would it not be better to have the Scotch appeals heard at home, letting your English Judge go to Edinburgh for the purpose?" An outcry is being raised in Ireland already—I judge from the Press of that country—and being raised, too, by a part of the Press which is not in the habit of demanding "Home Rule"—against the centralization of the proposal now made; and it is being asserted—a thing which is, at least, intelligible—that if there is to be a Court of this kind, it ought to sit in Dublin, and be a strong Court of Appeal. Are these views, my Lords, to be silenced by a complete change in the proposals of the Government made at 24 hours' notice and without any public intimation or discussion? The noble Earl opposite (Earl Granville) intimates that there is a Constitutional objection to this discussion. Well, my Lords, I had a letter this morning from a gentleman in Scotland reminding me of what I had forgotten, of the most singular wording of the Act of Union. Here is the wording of one Article—

"That no causes in Scotland be cognisable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster-hall; and that the said Courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the Judicatures within Scotland, or stop the execution of the same."—*Article xix.*

Now, my Lords, do you suppose that the Court which you propose by the Judicature Bill to set up is not a Court "of like nature" with those which the Act of Union stated should not be cognoscible of Scotch causes? Do you suppose that the writing in between two lines of the words "Imperial Court" will alter the nature of the Court? I do not say that, after clear announcement, upon a plain understanding, after full opportunity given to the country to express its opinion, no alteration could be made. What I do say is, that it cannot be done upon 24 hours' notice, and that what is proposed to be so

effected is a clear breach of the Privileges of your Lordships' House. It is a breach of Privilege which if carried into effect will not only not be a logical consequence of what we have agreed to, but will run counter to the principle on which we have acted, and by agreeing to which we shall stultify all that we have done. Further, it is a breach of Privilege which is not even said to be called for, as to which there is no assertion made that the country at large requires it. Indeed, the country at large appears to be profoundly ignorant as to the proposals of Her Majesty's Government. I have no doubt that the proposal has been inadvertently made by the Government. I cannot but think that they have no desire to infringe the privileges of your Lordships' House. I should be sorry indeed to treat this as a party question. The position and the jurisdiction of your Lordships' House may, out of doors, be a matter of party agitation; but inside this House I am unable to conceive a difference of opinion arising between us as to the propriety of our maintaining our just and clear privileges. I am unable to picture to myself a division in this House in which would appear on the one side those who would maintain the Privileges of your Lordships' House, and on the other those who would destroy them. I am equally unable to imagine Her Majesty's Government proposing to lead a party of that description. If they do, of this I am quite sure—that they will find few indeed to follow them. I have, my Lords, shown already that I was justified in calling attention to the subject, and that it would be too late to do so when the Bill came again before your Lordships' House. Then the question would be whether the Bill should or should not be laid aside. I own—speaking for myself—I should regret being obliged to come to the conclusion at which I should then be forced to arrive, and to see a Bill in which I recognize so much good lost for this Session. My Lords, in point of form, I wish to ask Her Majesty's Government whether they intend, and at what time, in the present Session, to lay before this House a complete scheme for regulating appeals in Scotland and Ireland analogous to the Appellate System for England contained in the Judicature Bill.

**THE LORD CHANCELLOR:** My Lords, whatever else I may think of the nature of the important subject to which my noble and learned Friend has directed your attention, I can most sincerely say I regret that from any cause whatever the harmony which has prevailed in your Lordships' House with respect to this important Bill should have been disturbed. Whatever may happen, I shall at all events retain a grateful recollection of my noble and learned Friend's services in promoting the Bill in its earlier stages in your Lordships' House; nor, my Lords, shall I forget the candour and fairness with which this House generally met the proposals of this Bill and endeavoured to bring them to a successful issue; and I shall most deeply regret if for any cause it shall appear to your Lordships, in any contingency that may happen, to be your duty to take a different course. I feel therefore a great difficulty in replying to my noble and learned Friend who has, I think, placed your Lordships and the Government in a position of unprecedented embarrassment by the course he has taken tonight. My noble and learned Friend, in treating of this question, has, I think, —although he has endeavoured to avoid it—made himself fairly amenable to a charge of breach of Order. I do not profess to have had so much experience in your Lordships' House as he has had, but I have been told by some upon whose opinions I rely, that it is a breach of Order in your Lordships' House to refer to speeches delivered in this House in reference to a Bill promoted during the present Session. Whether that be so or not, it will not, I think, be denied that it is in the highest degree inconvenient to enter into a discussion here as to what has passed or may now be passing in the other House of Parliament. My noble and learned Friend has not, to my mind, given any satisfactory reason for taking the course he has adopted in that respect. My noble and learned Friend has said something as to the communication to your Lordships of the Votes and Proceedings of the other House of Parliament; but, my Lords, I am not aware of any Vote passed by the other House upon the subject to which my noble and learned Friend has referred, and I infer, therefore, that my noble and learned Friend alluded to a Notice which may have been placed upon

the Papers which by courtesy have been communicated to us by the other House. But, my Lords, I think you will be of opinion that Notices placed for discussion upon the Paper of the other House of Parliament cannot and ought not to be made the subject of discussion in your Lordships' House. It would involve the risk of very serious inconvenience in the way of mutual comment and criticism in each House as to what is going on in the other; and, I venture to think, would greatly increase the difficulty of dealing with any question subject to such treatment. But my noble and learned Friend has not only favoured us with observations on what has appeared on the Votes of the other House, but with what, I presume, were remarks upon observations supposed to have been made in the other House of Parliament. My Lords, to do justice to a subject of this kind its whole history ought to be before us, with all the considerations which may have suggested the taking of a certain course in "another place." But I must decline to follow what would otherwise be my wish—namely, to go fully into that which may have occurred elsewhere. I will endeavour as best I can to answer my noble and learned Friend without transgressing the rules of Order to which I have before referred. Whether my noble and learned Friend was in Order in quoting them or not, nothing could be more accurate than the extracts he read from the observations I made in introducing the Bill and on its second reading in reference to Scotch and Irish Appeals. I have no desire whatever to recede in any way from anything I then said. I stated that on principle I was in favour of bringing all appeals, whether from Scotland or from Ireland, to one Final Court, but that, though I anticipated that ultimately the opinion of Scotland and Ireland would tend that way, I did not yet see signs of such a state of opinion as would justify me in then making that proposal. My noble and learned Friend says that since the Bill left your Lordships' House the Government have made certain proposals. How can I explain the position of that matter without going into an account of what has passed, or may be passing, in "another place?" All I can say is, that the Government did not originate any such proposals. They originated elsewhere;

and the Government did not acquiesce in them until they were in possession of certain grounds — what they thought sufficient grounds—for believing that Irish and Scotch opinion desired them, and that the representatives of those opinions were, indeed, prepared, with the aid and concurrence of the party to which my noble and learned Friend belongs, to force those proposals on the Government. That is what I am authorized to state, and what I do state with perfect confidence. I will abstain from going further into what passed within the walls of Parliament, but I am at liberty to state what has occurred outside the walls of Parliament. My noble and learned Friend has referred to a public demonstration of opinion which has occurred in Ireland—first, on the part of the Bar, and, next, on the part of a considerable number of the Judges. I cannot but think that it was a somewhat rhetorical artifice of my noble and learned Friend to comment with much humour and effect upon some of the suggestions of the Irish Bar, which were not of a very practical character. Adopting the principle that there should be one Court of Appeal for the whole country—and not only one Court in the abstract, but the particular Court proposed by the Bill with some additional members—they recommended that that Court should occasionally sit in Dublin. It did not appear to the Government, in estimating the weight of that expression of opinion, that that particular incident or episode was at all of the essence of the matter. Substantially the opinion expressed was, that they apprehended that the efficiency of this House as a Court of Ultimate Appeal would not be permanently as great as heretofore if the stronger elements were withdrawn from it to the great Court of Appeal in England, and that under the circumstances which would be created by the passing of this Bill, they desired that appeals from Ireland should be brought to the same Court. This opinion on the part of the Bar of Ireland, spontaneously expressed, and backed by the opinion of the Judges, and, further, not involving—at all events, as the Government understood—any unreasonable or impossible condition, did go a long way to satisfy one of the conditions necessary to be satisfied before the Bill could be extended to Irish appeals—namely, that if it were done it should be done rather at the request

of opinion in Ireland, than forced upon that country by a proposal of the English Government. With regard to Scotland, information reached the Government, in a manner which the Government are accustomed to consider authentic—and I may mention that it related to matters outside the walls of Parliament, in order that I may be consistent in referring to it—that that proposal was desired by those who were naturally looked to as representing opinion in Scotland. I believe that not less than 32 gentlemen in that position met together, without any selection of persons, and were unanimously of opinion in favour of this proposal. I am further informed that since that time—indeed, as recently as Thursday last—a meeting of the Faculty of Advocates was held in Edinburgh, when the same proposition was carried, and that by so large a majority that the minority were not willing to have their numbers ascertained by anything like a division. The practical result is that there has been every indication of a unanimous expression of opinion in favour of the proposal from all who have spoken for Ireland and Scotland, after the very considerable lapse of time which occurred since the Bill was introduced, and after the large opportunities which have been afforded for its consideration, and without the least hint from the Government that their inclination was that way. In the absence, indeed, of any such inclination whatever, these expressions of opinion, apparently without a dissentient voice, were pressed upon them. My noble and learned Friend has only done justice to the Government in saying that if there had been any infringement or any neglect of any Privilege of their Lordships' House, it had been entirely by inadvertence. No question of any breach of Privilege ever occurred to any Member of the Government, nor, as far as I know, to anybody either in your Lordships' House or in the House of Commons. I must state that if my noble and learned Friend had intended to present the question of Privilege in such a very serious aspect, and if such very important consequences might follow from it, it is to be regretted that it did not appear on the face of the Notice; so that we on our part might have been able to look into the matter and see whether the precedents of Parliament

to which he referred were altogether such as he supposes. If the matter be such as my noble and learned Friend has represented, it ought to receive, and it will receive, the serious and deliberate consideration of the Government; but we have not been placed in a situation to search for precedents in answer to what has been urged by my noble and learned Friend. But of this I am perfectly sure—that when there has been no intention to invade your Lordships' privileges, your Lordships will not be obliged in their defence to adopt any such extreme course as that which my noble and learned Friend suggested with regard to the Bill when it might be returned to your Lordships' House. It will always be in your Lordships' power to exercise the discretion now frequently exercised by the other House of Parliament when money clauses have inadvertently crept into Bills which have originated in your Lordships' House. The modern practice in cases of breach of privilege has been this:—Each House, when in a clear case its Privileges have been intentionally invaded, will of course have to discharge the duty of maintaining those Privileges; but when they have been invaded unintentionally, and when there is no reason to imagine that any disrespect has been intended, each House, regarding the public interests as well as its own dignity, has indeed always objected to those matters which have been introduced into a Bill, which it deemed to touch its Privileges, but has never thought itself under the necessity of depriving the public of the benefit of a measure otherwise salutary and unobjectionable, on the ground that this is the only proper way of marking its sense of a proposal inconsistent with its Privileges. When Blackstone went the length of saying that not only no Bill affecting the Privileges or the powers of the House of Lords could be introduced in the other, but that not even changes or Amendments could be made in a Bill of that kind by the House of Commons, he went beyond what is justified and warranted by the practice of modern times. I venture to say, with great deference to my noble and learned Friend, that the doctrine that no Bill affecting the Privileges or powers of your Lordships' House should be introduced in the other House would be very

inconvenient; and that it would also be very inconvenient if your Lordships were not allowed to introduce an amendment into any Bill, whereby the Privileges of the Commons might be affected. Your Lordships know that a very highly important Bill, affecting the representation of the people, having come from the House of Commons, was altered materially in your Lordships' House. It will require much greater authority than my noble and learned Friend has adduced to induce me to believe that a different rule would be applicable on the part of the House of Commons in the case of Bills originated in your Lordships' House—and this Bill was originated in your Lordships' House. It never entered my mind for a single moment that when the time came for Ireland and Scotland bringing appeals to the same High Court of Appeal as England, Ireland and Scotland should lose the benefit of their local Courts of Appeal. I do not think your Lordships will deem it your duty to take a course which would destroy the Bill. As to the course which has been adopted by the other House with reference to this Bill, I do not think it is inconsistent with the Privileges of your Lordships' House.

**THE MARQUESS OF SALISBURY:** My Lords, I shall not venture to join issue with the noble and learned Lord on the Woolsack on a question of law; but the noble and learned Lord appears to think that if Scotch and Irish Judges are added to the Court of Final Appeal to be created by this Bill, there will be an end of all objection to the change made in the other House in the Bill which is complained of by the noble and learned Lord (Lord Cairns). But, in my judgment, such a course will by no means solve the difficulty, because in that case either the Court must be divided into nationalities, or else we shall have Irish and Scotch Judges sitting to hear English appeals, which will certainly be an absurdity. With reference to the constitutional aspect of the case, charges have been made against the present course of the Government. First, that they are invading the Act of Union; and secondly, that they are committing a breach of the Privileges of this House. There can be no doubt that the Act of Union may be repealed or altered by Act of Parliament; but such an Act could only be passed after the people of

the country interested had been consulted on the subject. And what are the noble and learned Lord's views as to the proper method of ascertaining the wishes of the people of Scotland and Ireland on this question. Why, a meeting of lawyers is held at Dublin, another in Edinburgh, and a third in a dining-room in London; and the opinion expressed at those meetings is held to be that of the people of Scotland and of Ireland. The noble and learned Lord (the Lord Chancellor) appears to be under the impression that the law is the property of the lawyers, and that no one else should be allowed to say a word in the matter. But, in my opinion, something more than the opinion of a few lawyers is necessary before you can proceed to repeal the solemn Act of Union. There are many means of ascertaining the opinion of the people on this subject. It can be arrived at by means of an inquiry conducted by either a Royal Commission or by Committees of the Houses of Parliament, or else in an informal manner by leaving the subject over for discussion by the people during the Recess. But the Government are going to proceed without any inquiry whatever. Why, if you were going to alter a sewer in Edinburgh under the Local Government Act, you would take more care to ascertain the feelings of the people on the subject than you do when you are going to alter the Act of Union. If you were going to alter the Edinburgh sewer, you would send down a Commissioner, who would hold a Court, would hear both sides, and would invite an expression of opinion generally; but in the present case nothing of the kind has been done in order to ascertain the sentiments of those who will be affected by the measure. This is not the way to deal with a sensitive, and perhaps I may say an irritable, people like the Irish; because, however quiet they may be now when they do not thoroughly understand the point at issue, the time may arrive when the real nature of the change will come home to them, and great dissatisfaction on their part may be the result. Under these circumstances, therefore, it behoves us not to attempt to deal with this subject rashly and without due and careful consideration. In dealing with the question of Privilege, the noble and learned Lord showed considerable skill. The question

of Privilege is one of real importance. The privileges of this House extend to matters which concern our own constitution, and it would be rather hard if, while we are debarred from originating or altering Money Bills, and from originating measures dealing with the constitution of the other House, we should be debarred from determining in what manner our own constitution should be changed. I defy the noble and learned Lord to point out one case in which the House of Commons has passed over a breach of its Privileges. This very year the House of Commons ordered a Bill to be laid aside on account of a breach of its Privileges. If we once pass over a breach of Privilege the privilege is gone for ever, because it is a mere matter of usage and precedent, and once it is neglected it disappears altogether. I only ask this House to be as particular with respect to its Privilege as the House of Commons is with regard to its own—and we know that the business of this country is completely blocked because of the pertinacious assertion by the House of Commons of its Privileges, which prevent this House from commencing a considerable number of measures of importance. Should the House of Commons after this notice persist in sending up the Bill, with the clauses relating to the Appellate Jurisdiction of Scotland and Ireland in it, we shall have no alternative left us but either to renounce our Privilege or to assert it. It was a great wrench to some of us to pass this Bill, because it takes away a certain portion of our jurisdiction; but because we thought that it contained much that would be of advantage to the country, and because the legal and general opinion of the country was in its favour, we considered it would not be right to reject it; and I appeal to the testimony of noble Lords opposite to show that no party feeling has prevented us from giving it our heartiest support. We have been asked whether we think it right that all the labour that has been bestowed on this Bill should be thrown away. We have no choice in the matter. The fact that the Bill originated in this House, and that the House of Commons have merely inserted clauses in it, makes no difference in the breach of Privilege which has been committed. The House of Commons does not allow us to introduce

clauses into a Money Bill; and should we attempt to introduce clauses into such a Bill the House of Commons would reject it. Under these circumstances, unless we are willing to sacrifice our privilege altogether, if the House of Commons sends up this Bill containing these clauses we shall be compelled to reject it. The result will be that a great reform, much desired by the people of this country, will be postponed, and if the Bill is lost it will be lost not through our act, but through the fault of the House of Commons.

**THE LORD CHANCELLOR:** The noble Marquess is in error in assuming that were we to introduce money clauses into a Bill, not exclusively a Money Bill, the House of Commons would reject the entire Bill. They would probably reject the clauses, but not the whole Bill.

**THE DUKE OF ARGYLL** agreed that the Act of Union was an instrument that ought to be treated with the greatest respect, though the truth was it had ceased to have much application. The clause in the Act of Union which related to the Appellate Jurisdiction of the House of Lords was applicable to a totally different state of circumstances from the present. It applied to a state of things under which appeals were supposed to be heard by the House of Lords sitting as a House, and not as a kind of Superior Court; whereas, when exercising their appellate jurisdiction, the House now sat as a mere Westminster Hall Court. He thought, he might add, the Members of the Government had some cause to complain that no Notice had been given by the noble and learned Lord that he intended to raise the question of Privilege—it was quite a new idea that had not occurred to any Member of the Government—and they had consequently been deprived of the opportunity of looking into the question, or even of providing themselves with a single book of reference. It was, in fact, a question resting on the opinion of the noble and learned Lord whether there had been a breach of Privilege or not. The matter, however, would be carefully inquired into, and assuredly their Lordships' privileges would be upheld.

**THE DUKE OF RICHMOND** pointed out that, so far as the House was in possession of the views of the Scotch people on the subject, they were in favour of maintaining the jurisdiction of the House

of Lords over their appeals—so that if it were true that the House of Lords sitting on appeals were a mere Westminster Hall Court, that was the Court the Scotch people preferred. As to the complaint that his noble and learned Friend near him had not given sufficient Notice of the questions which he might raise in the course of his speech, he would merely remark that it was not usual to place an analysis of the intended speech on the Notice Paper; and in the present instance his noble and learned Friend's Notice was intended merely as a warning, and no immediate action was to be taken at the close of the discussion. He hoped that warning would not be lost on the Government, for he was sincerely anxious that the Judicature Bill should become law; for he had always been of opinion that it was not very creditable to the House that the attempts which year after year had been made to deal with the question should have turned out failures. He trusted, therefore, the Government would find the means of preventing the recurrence of any such failure, without, at the same time, seeking to commit a breach of the Privileges of the House, and that the Bill would be speedily passed into law.

**THE LORD CAIRNS** defended himself against the charge of not having given sufficient Notice as to the course which he meant to pursue. It was impossible for him to have entered more into detail in giving Notice, than that it was his intention to comment on the changes which had been made in the Bill elsewhere.

**THE EARL GRANVILLE** thought it would have been much more convenient if the noble and learned Lord had given some indication that he intended to raise the question of Privilege. Such a course would, in his opinion, have tended more to the edification of the House and the public.

#### GAS AND WATER WORKS FACILITIES ACT, 1870, AMENDMENT BILL [H.L.]

A Bill to extend and amend the provisions of the Gas and Water Works Facilities Act, 1870—Was presented by The Earl Cowper; read 1<sup>st</sup>. (No. 201.)

House adjourned at half past Eight o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,  
*Tuesday, 8th July, 1873.*

MINUTES.] — SELECT COMMITTEE — *Report* — Noxious Businesses [No. 284]; Game Laws [No. 285].  
 PUBLIC BILLS—Second Reading—Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* [229].  
 Committee—Supreme Court of Judicature [154] —R.P.; Military Manoeuvres \* [215]—R.P.; Public Health [113]—R.P.  
 Considered as amended—Militia (Service, &c.) \* [216]; Tramways Provisional Orders Confirmation \* [218].  
 Third Reading—Highland Schools (Scotland) \* [202].  
 Withdrawn—Habitual Drunkards [11].

The House met at Two of the clock.

INDIA—THE FOREST DEPARTMENT—  
 COMPETITIONS.—QUESTION.

MR. RAIKES asked the Under Secretary of State for India, Whether it is the fact that the offer of five or more posts in the service of the Forest Department in India for public competition in November next, which was contained in the prospectuses issued in July 1872 and March 1873, has been cancelled since the terms were publicly announced, and the number of such posts reduced to two; whether it is not the fact that, after the next appointments are made, the maximum of age in candidates competing for such posts is to be reduced from twenty-three to twenty-two years; whether the Secretary of State for India has considered the great hardship inflicted on those who have devoted some months to qualify themselves for an examination from which they will probably be excluded; and, whether he will not take steps to remedy the injury thus inflicted on young men desirous of entering the public service by reverting to the offer of a number of posts, not less than four and perhaps six, contained in the prospectus of March last?

MR. GRANT DUFF: In answer, Sir, to the hon. Gentleman's first Question, I have to say that it would appear that some of the prospectuses alluded to, but only a few, were issued without the lines specifying the number of appointments having been struck out. In reply to his second Question, I have to answer "Yes;" and to add that, eventually, the maximum age will be reduced to 20.

In reply to his third Question, I have to say that I do not see that there is any hardship, notice having been given so long beforehand, and every candidate having been warned in the published paper of particulars that the regulations were liable to alteration in future years. In reply to his fourth Question, I have to say that the Government of India has informed us that only two Forest officers for 1873 are wanted, and I am sure the hon. Gentleman will agree that it would be quite outrageous deliberately to create two or four useless appointments merely for the convenience of young men. It ought to be remembered that this Forest service is quite a new service, and that, till we have more experience of its working, changes with regard to the age and qualifications of candidates are, I fear, inevitable.

THE TICHBORNE CASE—  
 THE QUEEN v. CASTRO.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to the Tichborne prosecution, Whether he has taken any steps with a view to detect and punish the author of the letters which, in the course of the pending trial, have been recognized by the Court as forgeries; and, whether it is the fact that witnesses have been brought to London to identify the defendant as not being Roger Tichborne, and that on such witnesses declining to give evidence to that effect, they have been sent away and their expenses paid? The hon. Gentleman added that so far as the question contained a statement of fact, that statement was made upon the very best information that the case admitted of, and he believed it to be true.

MR. BRUCE: I trust, Sir, that my hon. Friend will acquit me of any intentional disrespect to him when I say that I decline answering his Questions. I do not presume to scrutinize the intention of my hon. Friend in asking these Questions; but their effect is obviously to throw doubt and suspicion on the manner in which this prosecution is conducted, and so to influence the pending trial, and I altogether decline to contribute to any such result.

THE ORDNANCE SURVEY.—QUESTION.

MR. WHALLEY asked the First Commissioner of Works, with reference

to the Ordnance Survey. To state the reasons why the progress of this work is stopped at the borders of Montgomeryshire and the staff transferred to Staffordshire; and, what are the claims of Staffordshire to precedence under the circumstances?

Mr. AYRTON, in reply, said, he had more than once explained to the House that this Survey was being conducted upon certain principles which were easily understood—namely, that it should first be completed in those parts of the country where industry was most active and where there was the greatest necessity for it. This was the reason why Staffordshire was preferred to Montgomeryshire, Staffordshire being a mining district, where it was of importance that the Survey should be soon finished?

**PARLIAMENT—QUESTIONS—RULES  
OF THE HOUSE.  
THE WAR DEPARTMENT BUILDINGS.  
QUESTION.**

Mr. BAILLIE COCHRANE: I beg, Sir, to ask your opinion upon a question of Order. I placed a Notice of a Question upon the Paper which I find has been so altered by the Clerk as to remove all meaning and justification of the interrogation I desire to put. As it is printed, the Question stands thus—To ask the Secretary of State for War, If it is in contemplation to purchase additional accommodation for the War Department in Pall Mall, or if it is intended to erect a suitable edifice for the concentration of the War Department? Now, as I wrote out the Question, I distinctly stated that I wished to know whether it was the intention of the Government to perpetuate a state of things, in the shape of office accommodation, which the War Secretary himself had acknowledged to be most inconvenient. I wish, Sir, to know whether it is in accordance with precedent that Notices of Questions should be thus altered?

Mr. SPEAKER: One of the established Rules of the House with reference to Questions is that no argumentative matter should be introduced; and, if such matter appears, it is always by my authority struck out of the Question. It is on this ground, and on this ground only, that the Question of the hon. Member has been altered.

Mr. BAILLIE COCHRANE: In that case, Sir, I beg to put the Question in the shape in which it appears on the Notice Paper.

Mr. CAMPBELL-BANNERMAN, in reply, said, that a Bill providing for the erection of buildings suitable for the concentration of the various branches of the War Office was introduced early this Session, but that it had not been proceeded with. It was still the intention of the Government to erect such a building as that specified in the Bill; but in the meantime, any additional accommodation which might be required would be obtained by hiring, and it was not intended to purchase any additional accommodation in Pall Mall.

**PARLIAMENT—RULES AND ORDERS  
OF THE HOUSE.**

**CRIMINAL LAW AMENDMENT ACT,  
1871.—QUESTION.**

Mr. MONCKTON wished to put a Question to the Speaker on a point of Order. The hon. Member for Nottingham (Mr. Auberon Herbert) had a Notice on the Paper for that night to call attention to the Criminal Law Amendment Act, 1871, and to move a Resolution declaring the desirability of repealing that Act. But there was a Bill upon the same subject put down for a second reading to-morrow, and, that being so, he wished to ask if the Motion of the hon. Member for Nottingham was in conformity with the Rules of the House?

Mr. SPEAKER: The hon. Member for Nottingham has given a Notice of Motion for this evening in the following terms:—

“To call attention to the Criminal Law Amendment Act of 1871, and to move, That, in the opinion of this House, it is desirable to repeal this Act.”

There is now before this House a Bill to repeal the Criminal Law Amendment Act of 1871, which the House has ordered to be taken into consideration on the second reading to-morrow. There can be no doubt, therefore, that the hon. Member for Nottingham will be out of Order in moving his Resolution this evening, seeing that the matter is already before the House.

SUPREME COURT OF JUDICATURE  
BILL—(Lords.)—[BILL 154].  
(Mr. Attorney General.)

COMMITTEE. [Progress 7th July.]

Bill considered in Committee.  
(In the Committee.)

### PART III.

#### *Sittings and Distribution of Business.*

Clause 31 (Assignment of certain business to particular Divisions of High Court subject to Rules).

Amendment proposed, in page 20, line 34, to leave out the words “and the London Court of Bankruptcy respectively.”—(Mr. Attorney General.)

Question proposed, “That the words proposed to be left out stand part of the Clause.”

THE ATTORNEY GENERAL said, he found by consultation with the highest authority that by withdrawing the Amendment — should the Committee assent to it—the clause might be postponed. He was willing, with the assent of hon. Gentleman, that that course should be adopted.

Amendment, by leave, withdrawn.

Clause postponed.

Clause 32 (Option for any Plaintiff (subject to Rules) to choose in what Division he will sue) agreed to.

Clause 33 (Power of transfer) agreed to.

Clause 34 (Sittings in London and Middlesex and on Circuits) agreed to.

Clause 35 (Rota of Judges for election petitions) agreed to.

Clause 36 (Powers of one or more Judges not constituting a Divisional Court).

MR. VERNON HARCOURT moved, at end of clause, to add—

“And within twelve months after the passing of this Act rules of court shall be made defining what proceeding, causes, or matters shall be deemed proper to be heard by a single judge.”

THE SOLICITOR GENERAL agreed in the spirit of the proposal; but he hoped the Amendment would not be pressed, as it was quite intended such rules should be made.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 37 (Divisional Courts of the High Court of Justice) agreed to.

Clause 38 (Divisional Courts for business of Queen's Bench, Common Pleas, and Exchequer Divisions) agreed to.

Clause 39 (Distribution of business among the Judges of the Chancery and Probate, Divorce, and Admiralty Divisions of the High Court).

THE ATTORNEY GENERAL moved in page 24, line 35, to leave out “the London Court of Bankruptcy.”

Amendment agreed to.

MR. ASSHETON CROSS said, this clause raised precisely the same question as had been raised last night. He asked that it be postponed.

THE ATTORNEY GENERAL explained that it did not raise precisely the same question.

Clause, as amended, agreed to.

Clause 40 (Divisional Courts for business of the Chancery Division) agreed to.

Clause 41 (Divisional Courts for business belonging to the Division) agreed to.

Clause 42 (Appeals from Inferior Courts to be determined by Divisional Courts).

MR. HENLEY expressed a doubt whether “cases” sent up from Quarter Sessions would come under the term “appeals” provided for in this clause.

THE ATTORNEY GENERAL said, both “cases” and “appeals” would come under the 13th section.

MR. STAVELEY HILL regretted that provision had not been made in the clause for cheap and easy appeals from the County Courts. An appeal might be provided to the Court of Assize.

MR. ASSHETON CROSS thought that such an appeal would be very inconvenient, as the Judges of Assize had already plenty to do.

MR. VERNON HARCOURT joined in the regret expressed by the hon. and learned Member (Mr. S. Hill.) It was quite clear that the present Bill must be followed by another measure localizing jurisdiction and improving the local administration of justice.

Clause agreed to.

Clause 43 (Cases and points may be reserved for or directed to be argued before Divisional Courts) agreed to.

Clause 44 (Provision for Crown Cases reserved).

MR. VERNON HAROURT moved, in page 26, at end to add, as fresh paragraphs—

"Where a petition is presented to a principal Secretary of State praying for a remission, commutation, or alteration of a sentence passed upon a person upon conviction for any treason felony or misdemeanor, it shall be lawful for Her Majesty, if Her Majesty in Her discretion think fit, with the advice of a principal Secretary of State, to refer the matter of the petition to Her Majesty's Court of Appeal for their consideration and advice in the matter of the petition.

"The Court to whom a petition or the case of any person is referred as aforesaid may in their discretion and with the consent of such person direct a new trial, either upon the same or upon a different indictment or information, and either for the same or for a different offence of which the person appears to the court to have been guilty, in such manner and upon such conditions (if any) as they think fit, and may order the person to be detained in custody pending such new trial or to be discharged upon such terms as to bail or otherwise as they think fit; and any new trial so ordered may be had in all respects as if the person had not been convicted upon the former trial, and no plea of autrefois convict shall be allowed in respect of his conviction upon such former trial.

"Subject to any rules of court, petitions referred to the court under the provisions of this section shall be considered in such manner as the court may from time to time determine, either with or without hearing witnesses or arguments, and either in open court or otherwise."

The hon. and learned Gentleman said, this Bill had dealt largely and he hoped efficiently with civil procedure; but it was remarkable that the Bill left our criminal procedure very much where it was. In questions of law affecting criminal trials it did not meet the justice of the case. Cases were constantly occurring of capital offences and sentences in which the public mind was so dissatisfied with the judgment given by the Judge and jury that in the absence of anything like a regular jurisdiction of appeal a most irregular appellate jurisdiction was created in the Home Secretary. Nobody was satisfied with the manner in which that appellate jurisdiction had arisen. A man was tried for his life and condemned to death. A Petition was sent to the Home Secretary, who had to review the sentence, not on any miscarriage of law, but on some allegation either that the facts at the trial were not accurately decided upon, or that the sentence was extreme. The Home Secretary had cast on him a most responsible and painful duty which he

had very little means of adequately discharging. He had to receive the statements of parties and come to a decision, which, in many cases, reversed the sentence of a responsible Judge and jury on what, after all, must be unsworn and only *ex parte* evidence. He had been strongly impressed with the mischief of this state of things by what had occurred in the case of Smethurst, which came under the consideration of his right hon. Friend the late Sir George Lewis. It was a case which depended on medical testimony, and the Judge and jury had come to the conclusion that the man was guilty, and he was sentenced to death. That sentence, however, was reversed on medical testimony tendered to the Home Secretary by other doctors of perhaps equal eminence, but whose evidence was unsworn. He did not propose to interfere in any way with the Prerogative of mercy; but in many cases where the Prerogative of the Crown was concerned, the Crown did not desire to be *inops consilii*. A great part of the jurisdiction of the Privy Council rested on the prerogative of advice from the Judicial Committee; and it was quite possible, without departing from the doctrine of Prerogative, for the Crown to obtain responsible advice in a manner more satisfactory than that of seeking it from the Executive Government. What he proposed was that Her Majesty might, at her discretion—it was not to be compulsory—refer the Petition of a person convicted of treason or felony to the Court of Appeal for consideration and advice. He believed that this course would relieve the Home Secretary from a painful responsibility by handing over to persons conversant with questions of this character the authority to recommend to the Crown the exercise of the Prerogative of mercy. His object was, not to limit the Prerogative of the Crown, but merely to secure that it should have competent advice. He knew that some of the most eminent of the Judges were favourable to a change of this character. For the present, he would be satisfied with an assurance that the matter would be considered between this time and the Report on the Bill. The hon. and learned Gentleman concluded by formally moving the first paragraph of his Amendment to carry out his views.

THE ATTORNEY GENERAL said, the question was a most important one—indeed, one of the most serious that could be raised; but it was not germane, and ought not to be raised at this stage of the Bill. He would give to it the attention which its importance called for. As his hon. and learned Friend had mentioned Sir George Lewis, he would recommend him to read a speech by that distinguished man, made when he was Home Secretary, which was an exhaustive argument against the principle of the Amendment. He hoped his hon. and learned Friend would not at present press the matter further on the attention of the Committee.

DR. BALL called attention to the State trials of O'Connell, Smith O'Brien, and Mills, and to the procedure in cases of the writ of error, as sued out in Ireland. In that country the initiative in State prosecutions was taken by the Attorney General; and he (Dr. Ball) was desirous to know whether, under this Supreme Court of Judicature Bill, the practice with regard to the writ of error in Ireland would continue as at present?

MR. STAVELEY HILL considered the question, relating as it did to cases of criminal appeal, was a most important one, and thought that a clear explanation ought to be given to the question put to the Attorney General on the subject by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He was prepared to vote for the Amendment if his hon. and learned Friend the Member for Oxford (Mr. Harcourt) went to a division.

MR. BRISTOWE was of opinion that in Crown Cases Reserved the questions in issue might be brought under the consideration of, and adjudicated upon by a smaller number of Judges than under the existing system was required to constitute the Tribunal of Appeal.

MR. VERNON HARCOURT said, he could not agree with the Attorney General that this question was not germane to the case now under consideration. With regard to the question put by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), in reference to cases of criminal appeal, he considered it a most serious one, and hoped it would receive all the attention due to it.

MR. BUTT referred to the state of the law governing questions of appeal in cases of conspiracy, felony, and misdemeanour prior to Lord Campbell's Bill, and said, looking at the clause in the present Supreme Court of Judicature Bill, it was identical in its provisions and objects with Lord Campbell's Bill, which was a great improvement in the law on the question of appeal.

DR. BALL considered the case a most important one, and suggested that a clause might be introduced on the Report to amend the Bill.

THE ATTORNEY GENERAL again intimated that the matter should receive consideration.

MR. VERNON HARCOURT said, that, although he would not press the Amendment, he would take the opinion of the House upon it on the Report.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 45 (Motions for new trials to be heard by Divisional Courts).

MR. MATTHEWS called the attention of the Committee to the importance of the clause, and moved, in page 26, line 33, after "divisional court," to leave out to end of clause.

MR. GREGORY said, from the clause, as it now stood, there was no appeal whatever. In his opinion, the words "and no appeal shall lie from any judgment," &c., ought to be struck out.

THE ATTORNEY GENERAL said, he would carefully consider the question raised.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 46 (What orders shall not be subject to appeal).

MR. LOPES said, the word "procedure" admitted of very wide interpretation, such as discovery, interrogatories, &c., and suggested that it should be struck out.

MR. MATTHEWS said, the word "practice" also admitted of wide and various interpretations, involving questions of costs, &c., and submitted that it, too, ought to be struck out.

DR. BALL said, he would be contented with the clause if it were confined to a Divisional Court.

MR. WATKIN WILLIAMS said, that as the law now stood a plaintiff

making affidavit might swear before a Judge in a private room that the defendant had no defence, and the Judge might issue execution and debar the defendant from adopting proceedings in his defence. If this clause passed with the words "practice" and "procedure" in it, there would be no appeal.

THE ATTORNEY GENERAL intimated that the view taken of the clause was correct, and agreed to confine the application of the section to "costs" only.

*Amendment accordingly made.*

MR. WHALLEY moved that the word "costs" should also be struck out.

MR. LOPES observed that as the Committee had already left out the words "practice" and "procedure" the clause would become altogether useless were the hon. Member's Amendment agreed to.

*Amendment negatived.*

*Clause, as amended, agreed to.*

Clause 47 (As to discharging orders made in Chambers) *agreed to.*

Clause 48 (Provision for absence or vacancy in the office of a Judge).

MR. AMPHLETT moved, in page 27, line 13, leave out from "during" to "of any such judge," in line 16; in line 19, leave out "the judge so absent," and insert "any judge absent from illness or any other cause;" in same line, leave out "the" before "judge," at the end, and insert "any."

*Amendments agreed to.*

*Clause, as amended, ordered to stand part of the Bill.*

Clause 49 (Power of a single Judge in Court of Appeal) *agreed to.*

Clause 50 (Divisional Courts of Court of Appeal).

MR. GREGORY moved, in page 27, line 32, after "either" leave out "by the whole Court or."

THE ATTORNEY GENERAL protested against having to repeat all the arguments with which he had combated the Amendments on Clause 6. The Committee having passed Clause 6 had virtually passed this clause, which was its natural consequence.

MR. WATKIN WILLIAMS said, the clause gave an intermediate appeal in cases of magnitude and difficulty, with-

out giving an absolute right of appeal in frivolous cases for the purposes of delay or of defeating justice. If an absolute right of an intermediate appeal was given all the inconveniences of the present system would be reproduced.

MR. AMPHLETT complained that no answer had yet been given by the Law Officers of the Crown to the objections which had been urged as to the great evil that must arise from having several Final Courts of Appeal. What he should have liked to see established would be a Court of five of the first men that could be obtained as a Final Court of Appeal, and then to have an Intermediate Court of Appeal, consisting, say, of three Judges, with this restriction—that there should be no appeal from that Intermediate Court if it should agree with the Court below, at least in interlocutory matters. In the event of there not being an agreement with the Court below, the case in dispute might be heard by the full Court.

MR. VERNON HARROD denied that hon. Members by accepting the 6th clause were precluded from objecting to this one. On the contrary, he had agreed to Clause 6, with the avowed intention of raising the question of the judicial strength of the Court of Appeal on Clause 50. The proposal of the hon. and learned Member (Mr. Amphlett) that a minimum of seven Judges should sit at the hearing of appeals might meet the difficulty, but then it would set up an Intermediate Court of Appeal, to which he objected. They had abolished the House of Lords, the Exchequer Chamber, and the Judicial Committee of the Privy Council, and they were now going to substitute for them a tribunal of three Puisane Judges. The thing was ridiculous. Under the clause, those three Judges, of whom they knew nothing, would have power to set aside a judgment of the Court of Queen's Bench, presided over by the Lord Chief Justice, and by such Judges as Mr. Justice Blackburn. It would be most unwise and rash to sanction any such thing. He would not allow of there being more than two Divisions in the Court, and he would make the attendance of five Judges the minimum.

MR. LOPES said, he was surprised to hear the Attorney General say that the Intermediate Court of Appeal had been conceded; because at an earlier stage of

test articulate he should vote for the Amendment.

MR. C. E. LEWIS said, that under the clause as it stood, if an inheritance to a great estate in Ireland were in question, the decisions of the Court of Queen's Bench and the Exchequer Chamber in that country might be upset by three Judges in the Appellate Court of this country, or, indeed, by the decision of two out of three. Could such a state of things give satisfaction to the suitor? In the case of the Amendment proposed by his hon. and learned Friend (Mr. Amphlett), it was possible that the Court might sometimes be weak, but under the Bill the probability was that it would always be weak.

MR. WHITWELL opposed the Amendment, which he thought to imply not a very high compliment to the Judges and the hon. and learned Gentlemen he saw around him, all of whom would one day adorn the judicial Bench.

Question put.

The Committee divided:—Ayes 161; Noes 129: Majority 32.

MR. PIM moved, in page 27, line 38, at end of clause to add—

"The court of appeal shall sit in Edinburgh for the hearing of appeals against the judgments or orders of any court in Scotland, and shall sit in Dublin for the hearing of appeals against the judgments or orders of any court in Ireland."

THE ATTORNEY GENERAL said, this was a matter to be dealt with in the clauses relating to Scotland and Ireland, to be brought up on the Report, if the understanding to that effect could be carried out.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 51 (Judges not to sit on appeal from their own judgments) agreed to.

Clause 52 (Arrangements for business of Court of Appeal, and for hearing Appeals transferred from the Judicial Committee of the Privy Council).

SIR RICHARD BAGGALLAY moved in page 28, line 6, to leave out from the word "appeal" to the end of the clause. He objected to the clause, because it provided that a particular class of appeals should be heard in a particular Divisional Court, one of the two into which the Appeal Court would be practically divided, and that the time of that Court should be exclusively occupied

with the hearing of those appeals. He also objected to the constitution of the Court.

THE ATTORNEY GENERAL said, it was of importance that Indian and Colonial Appeals should come in form, not before the Court of Appeal, but, as heretofore, before the Queen in Council, whose judgment the decision of the Court would be. The clause gave to the Queen the power of taking the advice of the Court of Appeal, and of referring appeals to one Division of Judges, being Privy Councillors, who would sit throughout the year so far as was necessary, disposing of the business which the Judicial Committee now transacted. This was what might be called a political clause, and its object was to show respect to our great colonial dependencies, and take away none of the advantages which they now enjoyed with regard to appeals. As to ecclesiastical appeals, it had already been decided that they should be heard only by Judges, not by ecclesiastics, and this clause would provide that they should be heard by the same Judges who before heard them, excepting the Bishops.

MR. BERESFORD HOPE said, he did not desire to see retired Indian Judges stereotyped into lay Archbishops. There was nothing peculiar in the climate of India to make men good ecclesiastical lawyers.

Amendment negatived.

Clause agreed to.

#### PART IV.

##### *Trial and Procedure.*

Clause 53 (References and Assessors) agreed to.

Committee report Progress; to sit again upon Thursday.

The House suspended its Sitting at ten minutes to Seven of the clock.

The House resumed its sitting at Nine of the clock.

#### INTERNATIONAL LAW—ARBITRATION.

##### MOTION FOR AN ADDRESS.

MR. H. RICHARD, in rising to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into commu-

*Mr. W. Fowler*

nication with Foreign Powers with a view to further improvement in International Law and the establishment of a general and permanent system of International Arbitration."

said: \*Mr. Speaker, I venture to bespeak the kind indulgence of the House while I attempt to bring before its attention a subject which all, I think, will acknowledge to be one of great importance, and which no one feels more deeply than myself to be one of great difficulty. It is no affectation of modesty, but a very unaffected sense of my own incompetency, which prompts me to say that I cordially wish the treatment of this question had fallen into hands more qualified to do it justice than I can pretend to be. Twenty-four years ago the late Mr. Cobden submitted to this House a Motion in some respects similar to the one I am about to submit this evening. Would that he had been spared to us to bring forward the subject again with the authority of his great name and illustrious services, and under what I venture to believe are rather more favourable auspices than existed at the time to which I refer. My only title for dealing with this matter arises from the fact that I have spent some 25 of the best years of my life in humble endeavours to promote this cause—the cause of peace on earth and goodwill among men, if not with much success, at least, I hope, with entire sincerity. It is a great satisfaction to me to feel that the question is one which stands quite apart from—may I not say that is raised far above—all considerations and interests of party. It appeals to great principles of justice, humanity, and religion, in which all parties are equally interested, and to which all parties are equally prepared to do willing homage. Indeed, I am strongly encouraged by the consciousness that I am sustained on this occasion by a large amount of public opinion not only in this country, but in all countries of the civilized world. Since I gave Notice of my Motion, I have received many communications from excellent and distinguished persons on the continent of Europe and in America, expressing their warmest sympathy with the object of my Motion, and the earnest hope that it may find acceptance with the British Parliament. The Petitions that have been presented to this House indicate in some degree the interest excited out-of-doors in our own country

in reference to my proposal. But numerous as those Petitions have been, I believe that they afford but an imperfect representation of the depth and extent of that feeling. Many—I think I may say most—of the large religious bodies in this country at their annual assemblies or conferences have passed resolutions or adopted Petitions to this House in support of the Motion. It gives me very sincere pleasure to add, that some of the most distinguished Prelates of the Church of England and many of its clergy, have declared with no less earnestness and emphasis, in favour of the general principle of arbitration. But above all, the working men have thrown themselves into the movement with an ardour and unanimity that are quite remarkable. At Trades Union Councils and Congresses, at conferences of different trades, and at all sorts of representative meetings of the working men that have been held in various parts of the kingdom for the last two years, this question has been brought forward, and resolutions in support of the movement have been carried with scarcely a dissentient voice. From a Paper that has been circulated among the Members, it appears that the number of working men who have petitioned for the proposition, either directly or through the representative bodies to which I have referred, amounts to upwards of 1,038,000 persons. And I feel bound to say that this agitation has been perfectly spontaneous on their part. It originated with themselves, it has been organized by themselves, and conducted by themselves, and conducted, I am happy to add, for I have had ample opportunity of watching its course, with a good sense and moderation, as well as an earnestness and energy very honourable to the working classes themselves, and full of encouragement and hope to those who are engaged in promoting this object. I must premise one other remark. It will not be necessary for me this evening to put forward any of what are called extreme peace views. It is the pleasure of some persons to describe the party with which I have the honour to be associated as the "peace-at-any-price party." I do not know exactly what that means. No doubt it is intended to mean something very bad and opprobrious. If what is charged against us be that we hate war too much and love

peace too well, I must own that the accusation lies lightly enough on my conscience. But be that as it may, I need not on this occasion affront anyone's prejudices by maintaining or assuming anything, which all reasonable and humane men are not prepared frankly to admit. I presume all will admit that war is an infinite evil inflicting such manifold mischiefs, material and moral, upon mankind—and its moral mischiefs are in my opinion deeper and greater even than the material—that it is our duty to do everything we possibly can to avert its recurrence. Most of those who hear me will, I believe, also admit that the present state of things under which so-called civilized and Christian nations, when differences arise between them, and those often differences of very trivial import, are ready to plunge into wholesale and mutual slaughter and rapine, is deplorable and disgraceful, an affront to reason, an outrage on justice, a scandal to civilization, and especially a reproach to that religion of peace and charity and brotherly love which these nations profess to receive and reverence. Why is this? It is owing largely, I think, to the fact that no precautions are taken, no provisions made to meet those contingencies which occur, and must occur in the relations of States. Differences will arise between nations as between individuals, and they may arise, and I believe often do arise, without any unfair or unjust intentions on either side, from imperfect acquaintance with facts, from simple misunderstandings, from differences of opinion as to the nature and extent of international obligations, all no doubt somewhat aggravated by that obliquity of vision which affects us all, individuals or communities, where our own interests are concerned. But unhappily no means, no regular and recognized means exist, no stated tribunal to which such differences can be referred for an honourable and pacific settlement. The only acknowledged solvent of international disputes in the last resort is the sword. The consequence is that Governments are driven, or imagine themselves driven, to that fatal system of rivalry in armaments which, in my opinion, is at this moment the greatest curse and calamity of Europe. They argue thus—that if there are no other means but force by which nations can defend their rights or

redress their wrongs, then each nation must provide itself with the largest possible amount of force, and when one Power adds to its armaments, all the others with headlong haste rush to a proportionate augmentation of theirs. This has at last culminated in the state of things which we now witness, under which it is calculated that there are, some say 4,000,000, some say 5,000,000 of men in the armies of Europe—men in the prime and vigour of life, for war will accept as its servants and victims only the picked men of society. The result is that the nations are weighed down by burdens of taxation that are so enormous as to be almost intolerable. It is not very easy to estimate what is the cost of these armaments. But a very respectable French writer, M. Larroque, who has written an able and elaborate work on *The Standing Armaments of Europe*, and has taken great pains to procure authentic data for his calculations, estimates the cost at £400,000,000 sterling. This sum he divides under three items. First, the naval and military budgets—the sums directly extracted from the pockets of the people for maintaining these armaments he estimates—and I believe considerably under-estimates—at £120,000,000. Then he takes the interest on capital invested in various military property, such as fortifications, barracks, ships of war, arms and munitions, capital wholly unproductive, and this item amounts to £30,000,000. The third, and the most important item, which is very apt to be overlooked, is the loss to society by the withdrawal of such a host of able-bodied men from all the occupations of productive industry—for a soldier produces nothing, only helps to consume the productions of other men—and M. Larroque estimates this at £250,000,000. If to this be added the interest, and the cost of management of the National Debts of Europe, nearly the whole of which has been contracted for war or warlike purposes, and which may be taken at £150,000,000, we have a grand total of £550,000,000 annually taken from the capital and industry of nations for the cost of past wars, and the preparations for future wars. And what is the condition of the people in the various countries from which this prodigious sum is annually extracted for war purposes? That they are a wonderfully ingenious, energetic,

industrious population is proved by the fact that they are not absolutely crushed beneath these burdens laid upon them by their Governments. But it is rather a melancholy reflection that, admirable as are the enterprise, invention, skill, and laborious industry of the producing classes in Europe, they are deprived of so large a proportion of the fruits of their labours by the perpetual drain made upon them to sustain this armed rivalry kept up by their rulers. Let us picture to ourselves these toiling millions over the whole face of Europe, from the Rock of Gibraltar to the Oural Mountains, and from the Shetland Islands to the Caucasus, swarming forth day by day to their labour, working ceaselessly from early morn to dewy eve, in the cultivation of the soil, in the production of fabrics, in the exchange of commodities, in mines, factories, forges, docks, workshops, warehouses; on railways, rivers, lakes, oceans penetrating the bowels of the earth, subduing the stubbornness of brute matter, mastering the elements of nature, and making them subservient to human convenience and weal, and creating by all this a mass of wealth which might carry abundance and comfort to every one of their myriad homes. And then imagine the hand of power coming in and every year sweeping some five hundred millions of the money so laboriously earned, into the bottomless abyss of military expenditure. But there is something worse than even this pressure on the means of life, I mean compulsory military service. The House, of course, is aware that in every country in Europe but our own, the naval and military services are recruited, not by voluntary enlistment, but by the conscription. Now this is becoming a tyranny so terrible as almost to provoke an insurrection in some countries. Even in Germany, which has given the example—in my opinion, the evil example—of sweeping the whole male population into the Army, there is a strong reaction setting in against the system. Some months ago, I read this in one of our journals—

"The German Government continues to be much disquieted by the large dimensions of the emigration to America. It is stated that according to authentic advice from Berlin, the numbers are growing in such proportions that by the 1st of January the figures will be double what they were in the years preceding the late war. As usual, the bulk of the emigrants are

young men anxious to avoid military service. It was in reference to this movement that the Circular from the War Minister, by the Emperor's order, was issued last July. As it has seemingly had no appreciable effect in checking the ever-widening stream, a second Circular, couched in more threatening terms than the first, has just been issued. At the same time, a special service is being instituted for the more effective surveillance and supervision of the districts from which the emigrants mainly come. But in spite of all this, the emigration to America has been only slightly affected."

And, indeed, those who profess to be acquainted with the feelings of the working classes on the Continent, assure us that there is a general and growing feeling of discontent among them on this subject, of which the Governments will do well to take account. They feel that in past times their lives have been used as mere pawns, with which Princes and Governments have been wont to play their own selfish games of ambition and intrigue. And there is an angry muttering among them that they will not submit to this much longer. But there is another view of this subject which those in authority ought to take to heart. In spite of the enormous sums I have described constantly extracted from the pockets of the people, the finances of many European States are in a normal condition of embarrassment and deficit. In Austria there has not been a year since 1789 in which revenue has come up to expenditure. The accumulated deficits of that State from 1851 to 1866 amounted to £130,000,000. France, even before the last terrible war, was sinking rapidly into debt; her debt increased from £213,000,000 in 1851 to £550,000,000 in 1870. The new kingdom of Italy is absolutely reeling and staggering beneath the burdens of her military expenditure. The annual deficit from 1861 to 1869 was £22,000,000. Spain, I need not say, is in a still worse financial condition. Turkey, we are told, was brought into the European family of nations by the Russian War, but the only privilege she has seemed to derive from that is the privilege of borrowing money and sinking into debt. From 1854 there has been a continued series of deficits at the rate of about £5,000,000 a-year, covered with loans in two years out of three. Even the condition of Russian finance is one of chronic deficit. The revenue has increased £14,000,000 in four years, and yet the deficit continues. Mr. Dudley Baxter, in his valuable work on *National*

*Debts*, has shown that the national indebtedness of the world has increased within 22 years to the prodigious amount of £2,218,000,000. Europe's part in this increase is £1,500,000,000. What is the cause of this alarming condition of things? The cause is mainly war and warlike armaments. Mr. Baxter has calculated that only 12 per cent, or one-eighth of the National Debts of the world have been raised for productive purposes; 88 per cent has been for war, warlike preparations, and other unproductive purposes. And what aggravates the absurdity is, that while all this is going on, the nations of the world are being constantly drawn into closer relation of mutual dependence and friendly intercourse. Railways and steamships, to employ the bold image of the Prime Minister, are like gigantic shuttles rushing to and fro over the earth and weaving the nations into one. Men of different races are being combined in common enterprises, not only of trade, but of art and science and philanthropy. Men will always seek some justification for their conduct, however absurd. They seek their justification on this matter in an old Latin proverb—*Si vis pacem para bellum*. Now, I venture to say that an axiom more absurd than this, more at variance with common sense, with all our experience of human nature, and with the testimony of history never was palmed on the credulity of mankind. You may just as well say, that if you wish to preserve your house from fire, the best thing you can do is to accumulate any amount of gunpowder and petroleum and lucifer matches in your cellars, and let a number of mischievous boys go to play at hide-and-seek among them; for these boys may well represent the Princes and diplomatists of Europe, who do play the strangest pranks in the midst of the inflammable materials they have heaped around them, and which yet they say are the only true security against a conflagration. Now, Sir, the state of things I have thus described seems to me utterly deplorable and humiliating in the heart of what calls itself Christendom in the 19th century. Every Government in Europe is spending beyond all comparison the largest proportion of its resources upon the art of destruction, while myriads of its subjects are sunk in pauperism, ignorance, and degradation. The people ask for bread,

and the Government offer them bullets; they ask for a useful education, and they offer them the military drill; they ask for better dwellings, in which they may lead a decent domestic life, and they offer them barracks and fortifications. Science, which ought to be the hand-maid of civilization, has sold herself to the devil and exhausts her skill and invention in devising infernal machines of more and more destructive power, which have no other result than to exhaust the wealth of nations, since in two or three years they are superseded by other inventions still more infernal and destructive. And let the House observe that there is absolutely no limit to this process—that not only it may, but it must go on repeating itself at an accumulating ratio. I believe it is no exaggeration to say that the military expenditure of Europe has doubled within the last 30 years, and there is no reason in the world why it should not, but every reason according to the system now in vogue why it should, double itself again within the next 30 years; and so through every 30 years to the end of time. Now, is there no remedy for this? Cannot the human reason be brought to bear upon this monstrous system of mutual waste and ruin? Is the combined statesmanship of Europe equal to nothing better, as international policy, than playing on a more and more gigantic scale this miserable game of "beggar my neighbour," by which they exhaust their resources, embarrass their finances, and oppress their peoples, while they leave themselves at the end of the process comparatively and proportionally just where they were at the beginning? While spending so much of time, thought, skill, and money in organizing war, is it not worth while to bestow some forethought and care in trying to organize peace, by making some provision beforehand for solving by peaceable means those difficulties and complications that arise to disturb the relations of States, instead of leaving them to the excited passions and hazardous accidents of the moment? No doubt something has been done, and something very considerable has been done—which I gladly and gratefully recognize—in the way of settling disputes by arbitration, after those disputes have arisen. Quite enough has been done in this direction to prove that such a method is practicable, and that

there is no necessity for mankind to cut each other's throats by way of trying to decide questions of disputed right. It is an entire mistake to imagine that the recent instances of arbitration between this country and the United States are the first and only, though no doubt they are the most significant and conspicuous, examples of the successful application of this principle. There have been many other cases within the last 50 or 60 years. Indeed, I am not sure, if using the word arbitration in its broadest and most generic sense as expressing every kind of reference for settling differences without having recourse to the sword, that within the period I have mentioned arbitration has not been the rule and war the exception. But there is this difference—that whereas war is loud, noisy, demonstrative, making itself seen and heard by the whole world, arbitration is often carried on in a quiet, unostentatious manner that escapes general observation. I will not trespass on the time and patience of the House by enumerating all the instances of that kind that have occurred. But I may be permitted to cite a few cases by way of illustration. There was the question known as the Portendic claims between England and France, arising out of the blockade of the Portendic coast by the French during their wars with the Moors in 1834-5. These claims, after occasioning considerable trouble to the two Governments, were referred to the arbitration of the King of Prussia, and his award was cheerfully accepted by both countries. In 1853, all outstanding claims that had arisen between Great Britain and the United States since the Treaty of Ghent in 1814, were referred to two Commissioners, who were empowered and instructed to choose an umpire or arbitrator when they could not agree. The claims connected with the brig *Creole*, which had been the subject of long diplomatic discussion, the claims of the Florida bonds, the M'Leod claims, and many others, were included in this reference. Mr. Joshua Bates, of London, was chosen as umpire, and all these claims, after careful consideration, were finally and satisfactorily adjusted. Questions of considerable difficulty between the United States and New Granada, and between the same Power and Costa Rica, as well as Paraguay and Peru, have at different times been settled by

arbitration. In 1863, a dispute between this country and the Empire of Brazil, which had previously given occasion to a great deal of angry and irritating diplomatic correspondence, was referred to the arbitration of the King of the Belgians, and disposed of without difficulty. I will mention another case which may be considered as a crucial example of successful arbitration. In 1868-9, as hon. Members will recollect, the relations of Turkey and Greece became full of danger on account of the insurrection in Crete. There was everything in this case to exasperate animosities between the two parties—difference of race, difference of religion, terrible memories and sinister traditions of the past. But at the suggestion of Prussia there was a Conference of the Great Powers at Paris, who agreed to certain resolutions to be submitted to Greece for her acceptance. These, be it borne in mind, were offered merely as recommendations, and not backed up by any threats of force on the part of the mediating Powers; and yet in spite of the forebodings of the prophets of evil, who loudly prognosticated failure, the success was complete. Greece accepted the resolutions, and the danger passed away. The right hon. Gentleman the Prime Minister, speaking in the House in reference to that case, spoke of it most justly as "an evidence of real advance in civilization." I have the greatest pleasure in citing the words he used on that occasion—

"Here is a case where two Powers, exasperated by traditional animosities, and with their respective transactions entangled by various sympathies and antipathies of race, were on the point of resorting to the arbitration of force and bloodshed for the settlement of their differences—and where the employment of purely moral interference has been sufficient to avert that calamity. Now, I am quite certain that if there exists one sentiment more unequivocal than another on both sides of this House, and on every bench of it, and throughout the country, it is that, without resorting to arbitrary doctrines or pedantic rules, we may be enabled quietly and steadily to make progress towards establishing in Europe a state of feeling which shall favour and facilitate that common action among the Powers of Europe whereby, becoming the organ of legitimate and strong opinion, they may be able by this kind of influence alone to avert the great calamity of war."—[*3 Hansard, cxciv. 76-77.*]

Now this is precisely what I want the right hon. Gentleman to help in bringing about—namely, a common action of the Powers to avert the calamity of war.

Perhaps it may be said in reference to the cases of successful arbitration I have cited that they referred to comparatively small matters. My answer is, that they could not possibly refer to smaller matters than those which have often led to long, bloody, and desolating wars between nations. They were not smaller matters, for instance, than the question whether the cupola of a particular church at Jerusalem should be repaired by Greek or Latin monks, and yet that was the quarrel which, through the infinite un-wisdom of some of the Great Powers, led to a war which cost Europe, according to Mr. Kinglake, 1,000,000 of human lives and some four or five hundred millions of money. But, I may be told, in reference to this and similar cases, that the avowed and apparent causes of a war are often not the real ones, that they are mere superficial pretexts, but that there are occult forces at work which impel nations irresistibly into collision with each other. But all this talk is mere fatalism, the elaborate attempts of men to find some justification for their follies and crimes by referring them to the operation of natural or providential laws, instead of their own evil passions. Men love to believe that they are driven into ill-doing by necessity. This is the plea of justification which Milton represents the author of evil as putting forward to extenuate his own revolt—

“Who with necessity,  
The tyrant's plea, excused his devilish deeds.”

I do not believe in necessity to do evil, to commit crime. It is a profane, an impious, an atheistic doctrine. And I can quote the authority of the most experienced statesman of his time as respects, at least, all recent wars. Lord Russell has said—

“On looking back at all the wars which have been carried on during the last century, and examining into the causes of them, I do not see one of these wars in which, if there had been proper temper between the parties, the questions in dispute might not have been settled without recourse to arms.”

But I must refer also, as an evidence of progress, and as an indication that even the Great Powers are beginning to recognize that there is some principle in the world besides force for regulating the intercourse of States, to what took place at the Conference of Paris in 1856. England had the honour of taking the initiative on that occasion, through the

mouth of her Plenipotentiary, Lord Clarendon, who submitted a proposition to the Conference, which was accepted unanimously, and expressed in the following language:—

“The Plenipotentiaries do not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstanding may arise should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly Power.”

The Conference instructed its President, Count Walewski, to communicate this declaration to other civilized Governments, and to invite their adhesion; and about 40 other Governments did adhere to it. The right hon. Gentleman the present Prime Minister, speaking in this House soon after, referred to that Protocol in these words—

“As to the proposal to submit international differences to arbitration, I think that it is in itself a great triumph. It is, perhaps, the first time that the assembled representatives of the principal nations of Europe have given an emphatic utterance to sentiments which contain at least a qualified disapproval of a resort to war, and asserted, at least in qualified terms, the supremacy of reason, of justice, of humanity, and religion.”—[*3 Hansard*, cxlii. 99.]

The late Lord Derby also referred to the principle of arbitration as

“The principle which, to its endless honour, was embodied in the Protocol of the Conference of Paris.”

Unhappily, it has hitherto remained inoperative. But in spite of that I still believe, with the right hon. Gentleman, that it was a great gain to have elicited from the leading Powers of Europe, and to have placed on permanent record such a declaration as that. This is the history of all human progress. Men labour long to get from those in authority the distinct recognition of some great principle. It may be long after that before it is reduced in practice. But the acknowledgment of its justice and importance remains, and may be pleaded against themselves. We have an illustration of this in the condemnation of the slave trade, pronounced at the Congress of Vienna, and repeated in a yet more rigorous form at the Congress of Verona in 1822, principally, I believe, through the influence of the Duke of Wellington. That condemnation did not lead to the immediate abolition of the slave trade; unhappily it is not yet abolished. Still that act of the Great Powers was of the greatest possible value to

those who were, and are, engaged in a crusade against the slave trade. It placed the accursed traffic under the ban of the civilized world, and rendered it impossible for any Christian State again openly to defend it, though some of them have continued wickedly to connive at it. So I believe the Declaration of the Protocol of Paris, though not immediately operative, is not without great value. As has been recently said by a distinguished French statesman, M. Drouyn de Lhuys—

"In trying to realize the idea embodied in the Treaty of Paris, we obey a sentiment which, evoked at that epoch, will not cease to manifest itself among civilized nations until it has obtained satisfaction."

I come now to the Geneva Arbitration. I own that my views on that subject are as wide as the poles asunder from those expressed by some hon. Gentlemen in this House, a very small minority, I am happy to believe. I look upon that transaction as one eminently honourable to the spirit of our age, and especially to the two great nations principally concerned in it. And I have no doubt that in spite of the little irritations which have for a moment ruffled the temper of a few of our countrymen, that it will be regarded hereafter as constituting a landmark in the history of civilization. No doubt some mistakes were made in connection with this great work of international peace, and that is no wonder, considering that the proceeding was somewhat an untried and unwonted one. But are there no mistakes made in connection with international war?—unless, indeed, the right thing to say is that the whole of that bloody business is one huge and monstrous mistake. No doubt some portions of the Treaty of Washington might have been expressed in language less ambiguous and more precise. No doubt the Three Rules themselves were somewhat vague, though I question if there is any form of words which human ingenuity could devise upon which clever and practised lawyers could not put two or three different constructions if it suited their purpose to do so. No doubt the interpretation put upon those Rules by some of the distinguished men who acted as adjudicators at Geneva was of rather dangerous latitude. No doubt there were also still graver errors on both sides, which I forbear to refer to lest they revive feelings that had better be let sleep. But after all these deductions are made, the fact, the signal, the glorious fact re-

mains that these two great kindred and Christian nations, each of them with abundance of pride and self-assertion, for John Bull and Jonathan are in that respect as like as two peas—each of them conscious of having almost inexhaustible resources at command wherewith to inflict injury upon each other—that these two nations, in regard to a question that had strongly excited public feeling on both sides of the Atlantic, and notably on the other side, were content to lay aside their prejudices and passions, and allow their case to be referred to the arbitration of reason and justice, instead of running the risk of having to refer it at any future time to the blind and brutal arbitrament of the sword. This fact remains, unaffected by the petty jealousies and passions of the hour, affording a grand and memorable example to the nations, which I have no doubt will be fruitful of beneficent results. The attitude of the two nations has been noble. During many months of irritating suspense while the two Governments were negotiating as to the true meaning of the Treaty of Washington, these 70,000,000 of people maintained their calmness and self-control. This, I believe, was in great part owing to the conduct of the Press. No doubt there were exceptions; but, as a rule, the Press on both sides did itself great honour by the way in which it conducted the controversy. I must especially pay my humble tribute of respect and admiration to what is called the leading journal in this country, for the calm, judicial spirit which it preserved throughout, and by which I have no doubt it contributed largely to the peaceable and satisfactory settlement of the matter. I remember the late Lord Derby some years ago when administering a severe rebuke to the Press for stimulating one of those dishonourable panics of French invasion, by which we have been so often affected in this country, making this remark—

"That journalists in these times exercised something like the influence and power of statesmen, and that therefore they ought to feel something of the responsibility of statesmen."

To my mind one of the most hopeful signs of the times is in the fact that the Press is evidently beginning to recognize this responsibility. For my part, I must say, in reference to this American Arbitration, that I feel more grateful than I can express to Her Majesty's

Government, and especially to Lord Granville, for the combined firmness, patience, temper, and tact with which he persevered, in the face of great difficulties and some provocations, in seeking to extricate the two countries from embarrassments, which at one time threatened to wreck the arbitration. And I feel no less grateful to the Leaders of the party opposite for their wise and patriotic forbearance during the whole of those difficult and delicate negotiations. I confess that when I saw the Notice of Motion placed on the Paper some weeks ago by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), I had some apprehension lest in the discussion that would ensue, something might have been said to rekindle animosities happily allayed, or to discredit the principle of arbitration, or to bring into question the judgment at Geneva. But nothing of the sort took place. The speech of the right hon. Gentleman, which gave a tone to the debate, appeared to me as admirable in temper as it was in ability, and proved, as did that of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which followed in the same discussion, that they at least were determined not to convert this great international question into an arena for party strife. If they should ever come into office again—and I suppose that is a contingency that is on the cards, and have to deal with any difficult question of foreign policy, I hope the course they have taken on this question will not be forgotten by those who now sit on this side of the House. But some people say the judgment has gone against us. Well, I suppose judgment must go against somebody in every suit or trial at law. I hope the House will not misinterpret my meaning when I say that I am almost glad that it did go against us, because it afforded the people of this country a noble opportunity, which I believe they have nobly embraced, of showing their respect for law and their readiness to submit to a judicial decision even when it is against their own interests. By this dignified acquiescence in the judgment of Geneva—and I contend that the great bulk of the people of this country have so acquiesced—they have done more to consecrate the principle of arbitration than if the verdict had been ever so much in their favour. But we are sometimes told that only

England would have the sense of justice and dignity to submit to such a decision. Well, it is a very pleasant thing to have a high opinion of ourselves, and if it soothes our vanity and helps us the better to bear our defeat to think so, I have no objection. But I am bound to express my own belief that if the judgment had gone against the United States the great body of the people of that country would have done the same. Let me ask the attention of the House to the noble words uttered by Mr. Colfax, the Vice President of the United States, at the time when difficulties had arisen between the two Governments owing to conflicting interpretations of the Treaty of Washington, and before the tribunal had been opened at Geneva—

“ Though the arbitration were to adjudge to us not a single dollar, I will stand up before my fellow-citizens, and will cry to them, ‘Accept the resolution and renounce all indemnity rather than recede one hair’s-breadth from that high moral position in which you have placed yourselves along with England before the face of the other nations of the world.’ ”

All this is, no doubt, highly encouraging. But the disadvantages of leaving the arbitration to be provided for after the quarrel has arisen are obvious. The original difference often becomes greatly complicated and aggravated by angry diplomatic reciprocations, and the clamorous outcries of popular passions; whereas if there were some stated means of reference, these disturbing influences need not at all come into operation. And undoubtedly the mere existence of such stated means would prevent many quarrels from coming to a head. “ The great end of law,” it has been truly said, “ is not to decide, but to prevent disputes; for every dispute which British civil law, for instance, decides, there are thousands of cases in which disputes are prevented from arising by its certainty and clearness.” What is wanted is that the Great Powers of the world should take some steps towards the establishment of something like a regular and permanent system of international jurisdiction. That I may not be charged with indulging in mere chimerical visions beyond the range of practical statesmanship in saying this, let me cite the words of the present Lord Derby. Speaking in this House in the year 1867, *apropos* of the question with Spain about the ship *Mermaid*, he said—

“ Unhappily there is nothing in the nature of an international tribunal to which all cases of

this kind might be referred, and there is no International Law by which parties can be required to submit such cases to arbitration. I do not hesitate to say that it would be one of the greatest benefits to the civilized world if such a tribunal existed."—[*3 Hansard*, clxxxviii. 1752.]

No statesman living is less likely than Lord Derby to indulge in longings after what is impracticable and Utopian. And yet such are his views as to the importance and value of an International Court. It is well known that such a Supreme Court does exist in the United States to adjudicate between different States of the Union and between States and the Federal Government. A great man who has recently passed from among us, Mr. John Stuart Mill, referring to that institution says—

"The Supreme Court of the Federation dispenses International Law, and is the first example of what is now one of the most prominent wants of civilized society—a real international tribunal."

I do not say that the world is ripe for such an institution in its completeness at the present moment. But surely we may take some steps in that direction. I ask the Government to communicate with the other Powers with a view to the appointment of an International Commission to examine into the present state of International Law, and to reduce it into something like a clear and coherent system. This is a great necessity of civilization. Perhaps, indeed, if we use the word law in its rigid sense, we may say that there hardly exists such a thing at present as International Law. What passes under that name consists of custom and consent, provisions in Treaties between nations, judgments of Prize Courts, and the opinions of eminent jurists from Grotius downwards. I am very far from saying that even in its present imperfect form all this has not been of the greatest possible service in regulating the relations and intercourse of States, in diminishing the frequency and mitigating the ferocity of war. And it is impossible not to admire the noble enthusiasm of humanity by which Grotius was inspired in the composition of his great work—a work, as Mr. Hallam says, the publication of which is acknowledged to have made an epoch in the philosophical and almost in the political history of Europe. Still what now exists can hardly be called law in the strict sense of that term, seeing there is no enacting authority to give it force, and

no recognized tribunal by which it can be administered. At any rate, it will not be doubted that the present state of International Law is far from satisfactory; that there are many important points connected with the relations and intercourse of States, which are unsettled, ill-defined, or unprovided for; and that the whole system of International Law requires to be revised and digested and brought into something like consistency and harmony. There is an almost entire *consensus* of opinion among authorities on this matter. An American gentleman recently visited Europe expressly to put himself into communication with the leading jurists and publicists of the Continent and of this country on this very subject, and he found among them an almost universal concurrence of opinion on this—that there exists urgent necessity for further mutual understanding and consent among nations as to the principles and rules of International Law. Now we have a precedent for what I want to be done as the first step, in what took place at the Congress of Paris in 1856. When the Great Powers came to negotiate terms of peace, they did not restrict themselves to matters arising out of the war just concluded. But they found certain points of international maritime law in such a condition as urgently to require consideration and decision. Accordingly, they adopted a Declaration, to which they attached the following Preamble, which I especially command to the attention of the House:—

"That maritime law in time of war has long been the subject of deplorable disputes. That the uncertainty of the law in such a matter gives rise to differences of opinion, which may occasion serious difficulties, and even conflicts. That it is consequently advantageous to establish a uniform doctrine on so important a point."

Therefore, as Lord Russell said, the Governments, in order

"to prove the sincerity of their wish to give permanence and fixity to this part of the Law of Nations,"

adopted the Declaration abolishing privateering, defining the rights of neutrals in maritime warfare, and settling the law of blockades. Other Governments were invited to accept the Declaration, and some 39 Governments did send in their adhesion, so that now, as between these 46 Governments, and as respects the matters treated of in the Declaration, there is something like positive and

Government, and especially to Lord Granville, for the combined firmness, patience, temper, and tact with which he persevered, in the face of great difficulties and some provocations, in seeking to extricate the two countries from embarrassments, which at one time threatened to wreck the arbitration. And I feel no less grateful to the Leaders of the party opposite for their wise and patriotic forbearance during the whole of those difficult and delicate negotiations. I confess that when I saw the Notice of Motion placed on the Paper some weeks ago by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), I had some apprehension lest in the discussion that would ensue, something might have been said to rekindle animosities happily allayed, or to discredit the principle of arbitration, or to bring into question the judgment at Geneva. But nothing of the sort took place. The speech of the right hon. Gentleman, which gave a tone to the debate, appeared to me as admirable in temper as it was in ability, and proved, as did that of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), which followed in the same discussion, that they at least were determined not to convert this great international question into an arena for party strife. If they should ever come into office again—and I suppose that is a contingency that is on the cards, and have to deal with any difficult question of foreign policy, I hope the course they have taken on this question will not be forgotten by those who now sit on this side of the House. But some people say the judgment has gone against us. Well, I suppose judgment must go against somebody in every suit or trial at law. I hope the House will not misinterpret my meaning when I say that I am almost glad that it did go against us, because it afforded the people of this country a noble opportunity, which I believe they have nobly embraced, of showing their respect for law and their readiness to submit to a judicial decision even when it is against their own interests. By this dignified acquiescence in the judgment of Geneva—and I contend that the great bulk of the people of this country have so acquiesced—they have done more to consecrate the principle of arbitration than if the verdict had been over so much in their favour. But we are sometimes told that only

*Mr. H. Richard*

England would have the sense of justice and dignity to submit to such a decision. Well, it is a very pleasant thing to have a high opinion of ourselves, as if it soothes our vanity and helps us to better to bear our defeat to think we have no objection. But I am bound express my own belief that if the judgment had gone against the United States the great body of the people of this country would have done the same. I now call the attention of the House to the noble words uttered by Mr. Collier, the Vice President of the United States at the time when difficulties had arisen between the two Governments owing to conflicting interpretations of the Treaty of Washington, and before the trial had been opened at Geneva—

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All this is, no doubt, highly encouraging. But the disadvantages of leaving arbitration to be provided for a quarrel has arisen are obvious. A trivial difference often becomes complicated and aggravated by diplomatic reciprocations, and venomous outcries of popular opinion; whereas if there were some state of reference, these disturbing influences need not at all come into operation. Undoubtedly the mere existence of stated means would prevent malcontents from coming to a head. "I am in favour of law," it has been truly said, "not to decide, but to prevent disputes; for every dispute which Britain, for instance, decides, there are others of cases in which disputes are likely to arise by its certainty and definiteness." What is wanted is that Powers of the world should take steps towards the establishment of something like a regular and permanent international jurisdiction. I may not be charged with indulging in chimerical visions beyond the range of practical statesmanship in saying that let me cite the words of the late Mr. Derby. Speaking in this House in the year 1867, *apropos* of the question of Spain about the ship *Mercurio*, he said—

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this kind might be referred, and there is no International Law by which parties can be required to submit such cases to arbitration. I do not hesitate to say that it would be one of the greatest benefits to the civilized world if such a tribunal existed."—[*3 Hassard, clxxxvii. 1752.*]

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authoritative International Law. Now, is there any reason why the work thus begun in Paris in 1856 should not be continued? No one denies that there are other points of International Law in a condition as unsettled and unsatisfactory, and as likely to give rise to differences of opinion, leading to difficulties and conflicts, as those dealt with in the Declaration of 1856? Is it well to wait until those difficulties and conflicts arise? or, would it not be wise to avail ourselves of the present lucid interval of peace to try to come to a common understanding as to some of the principles and rules of International Law, and so, by gradually preparing a system of law, to lay the foundation for a general and permanent system of international jurisdiction? There is a remarkable experiment now in progress in Egypt, which, if it succeeds—as I cordially hope it may—will furnish a practical illustration on a limited scale of the kind of International Tribunal for which I contend. The subject was brought forward in the early part of the Session by the hon. Member for the Isle of Wight (Mr. Baillie Cochrane). It is admitted on all hands that the present mode of administering justice in that country, especially as between natives and foreigners, is utterly unsatisfactory. This has been long felt by the European Powers. With a view to remedy this an International Commission was appointed, and has been sitting at Constantinople, the object of which was to draw up a code of laws, and to prepare the constitution of an International Court, to administer justice both in civil and criminal cases. The Powers represented on that Commission, as stated by the noble Lord the Under Secretary of State for the Foreign Department, were—Great Britain, France, Austria, Germany, Italy, Russia, Belgium, the United States, Holland, Sweden, Norway, and Turkey. The Commission has completed its labours and presented its Report, and is only waiting for the approval of the Governments to come into operation, when we shall have a real International Court, administering an international code of laws. Now, all I ask the Government to do at present is to enter into communication with foreign Governments, with a view of doing something for Europe and the civilized world like what they are actually doing for Egypt. It seems to me that each of the two great parties in this

country are at the present moment groping—and not very successfully groping—for a policy. Would that one of them had the courage to aspire to become the leader of a real peace party in Europe, to take the first steps towards establishing peace on sure and firm foundations—the foundations of law and jurisprudence. They would meet with a response of which they have little conception. The world is growing weary of war. The nations are groaning under the burden of military expenditure and military servitude, and are longing to be delivered. I believe even that the Governments, and especially the minor Governments of Europe, would most gladly and gratefully follow the leadership of England. A distinguished Member of a foreign Legislature wrote to me some time ago in reference to my Motion—

"I believe you are hitting the right nail on the head. It will be impossible for the nations to enter upon the process of mutual disarmament until first of all they shall find some means presented to them by which they can settle their disputes without arms, and I feel convinced that England, of all nations in the world, is the right country to take the initiative in this matter." I also, Sir, have the ambition to secure the honour of this great initiative for my own country. There are people who charge us of the peace party with being careless of, or indifferent to, the honour of England. I repudiate and repel the imputation. What possible reason can those who make the imputation, and who arrogate to themselves the credit of an exclusive patriotism to love England and her dignity and glory, have, that we have not in an equal degree with themselves? Is not England also our country, the home of our childhood's joys, the place of our fathers' sepulchres? Are not her name and character and greatness closely intertwined with our dearest earthly affections in the mémories of the past and in the anticipations of the future? Do we not also feel that we rise with her renown and sink in her degradation? Of course, there may be differences of opinion as to what constitutes honour for a great country. I do not believe that the honour of a Christian nation consists in being conspicuous for deeds of violence and blood, though even if it were so, we have had enough of that in past times to glut the most insatiable appetite for military glory. But to my mind the honour of England consists in this—that she is the birth-place and home of freedom; that

she has been able to teach the nations by her own example how to combine order and liberty in her political life; that she is the mother of free communities which perpetuate her ideas and institutions in all parts of the globe; that she was the first to strike the fetters off the slave and bid the oppressed go free, and that she is stretching forth her hand to scatter the blessings of civilization and Christianity among the nations to the uttermost ends of the earth. These are the things which, in my opinion, honour England, and it will be a still greater honour if possible—a signal, a crowning honour if she becomes the harbinger of peace to the world, if she takes the first step towards the organization of that peace on solid and lasting foundations, so as to do something to realize the glorious vision of our poet Laureate—

“When the war-drum throbs no longer and the battle-flag is furled,  
In the Parliament of man, the Federation of  
the world.  
When the common sense of most shall hold a  
fretful realm in awe,  
And the kindly earth shall slumber lapt in  
universal law.”

The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

MR. MUNDELLA seconded the Motion.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers with a view to further improvement in International Law and the establishment of a general and permanent system of International Arbitration.” — (Mr. Henry Richard.)

MR. GLADSTONE said, his hon. Friend was right when he stated that this was not the first time that the present subject, which was one of profound interest, was introduced to the notice of the House. In 1849, Mr. Cobden first formally drew attention to it, and made a Motion not very different from that of his hon. Friend. The Motion of Mr. Cobden differed mainly from that of his hon. Friend in this respect—that the Secretary of State for Foreign Affairs was to enter into communication with foreign Powers, and invite them to make treaties binding the respective parties, in case they should have any future misunderstanding which could not be arranged

by amicable negotiation, to refer the matter in dispute to the decision of arbitrators. His hon. Friend invited them in the same manner to communicate with foreign Powers with the same object in view. The communication was to be general, and it was to contemplate a further improvement in International Law, and the establishment of a permanent system of International Arbitration. In truth, his hon. Friend had very considerably widened the scope of Mr. Cobden’s Motion as to the means he prescribed. He could not say, however, that the change made by his hon. Friend was an improvement. If progress was to be made in this direction, it was more likely to be made in ordinary times and under ordinary circumstances, by beginning in particular cases with particular countries in regard to particular subjects, as occasion arose, rather than by an ambitious attempt to draw all the civilized nations of the globe into general communications on a matter involving changes so great in their extent, and so very difficult, of necessity, in the mode of their operation. His hon. Friend had referred to a great variety of cases in which, as he said, the principle of amicable arrangement, in one shape or another, whether by formal arbitration or not, had been usefully employed. All the cases he had enumerated were just and true. But his hon. Friend might have added other instances. He might have cited the case of the King of Holland, who undertook to effect an arrangement with respect to the San Juan Boundary which had recently been settled by the good offices of the Emperor of Germany. He might have referred to an analogous instance—namely, the arrangements with respect to the navigation and international rights at the mouths of the Danube. He might likewise have quoted the case of the unfortunate difference which arose between this country and Greece in 1849-50, when our neighbour France offered, not a formal arbitration, but her good offices to this country, and those good offices were beneficially employed. In fact, so far as this country was concerned, and to a great extent other countries, there was gradually growing up a series of precedents which we might hope—but it must be by degrees—would harden into rule. But the real duty which could fairly be imposed, and the performance

of which could reasonably be expected from any Government of this country was that it should avail itself of every opportunity as it arose, and of all the means which it possessed, to bring to a peaceful issue differences between other States, or between this country and some other State, which if not peacefully settled might threaten great international evil and calamity. If he went on to examine minutely the history of the last few years and the transactions of the Foreign Office, with which he had necessarily been closely conversant, he could add very considerably to the instances mentioned by his hon. Friend. His noble Friend the late Lord Clarendon had not for many weeks assumed the seals of the Foreign Office at the end of 1868 when he was enabled to intervene, with the utmost tact, good feeling, and ability, in a question, apparently of a paltry and trumpery character, with respect to the railways between France and Belgium, and by his intervention not only a most perplexing and prolonged, but possibly a very dangerous, controversy was got rid of. In the case of Luxembourg, also, the exertions of Lord Derby would be justly remembered to the credit of the preceding Government. In truth, speaking without reference to any one Government, it was the practice of the Foreign Office, and would be a duty which Parliament would exact, that it should accept as a principle that very rule the adoption of which by every nation in the world his hon. Friend sought to procure. At the same time, it was important to consider not only what we preached, but also what we practised, not only that we should recommend with zeal to other countries to resort to arbitration, but still more was it a matter of consequence that we should examine whether our own proceedings were in all cases wise, and before they had assumed the form of menace, quarrel, or controversy, whether they were governed by the rules of good sense and moderation. Because, if the settlement of disputes was good, the prevention of disputes was better; and the best mode of prevention was the careful observance of that rule which was enjoined for the government of our private and personal conduct, to do unto others as we would be done by, and to expect from them no more than we were prepared to give. When we had acted in this way we should have laid the founda-

tions of the most important parts of a good and sound foreign policy. There was, indeed, another part, and that was a vigilant defence of the honour and interests of the nation, whenever circumstances might call for it; but that was a point on which it was less necessary to insist, because it was a portion of our duty with respect to which this country never had failed, nor did he think it was likely to fail in the future. When Mr. Cobden made the Motion to which he had referred, Lord Palmerston said he entirely agreed with the hon. Gentleman in attributing the utmost possible value to the Motion, and in feeling the greatest dislike and he might say horror of war in any shape. He need in this case only substitute for Mr. Cobden's the name of his hon. Friend on whom the mantle of Mr. Cobden had fallen, and he fully adopted the words of Lord Palmerston. But Lord Palmerston was not prepared to adopt the Motion of Mr. Cobden. He did not think it would practically contribute to the object in view, and he moved the Previous Question; but so satisfied was Mr. Cobden with the tone of his declaration that he said in his reply the noble Lord had led him to suppose there was not much difference in their views. Mr. Cobden, however, pressed his Motion to a division. It was seldom that he looked upon any proceeding of Mr. Cobden otherwise than with warm approval not only of its purpose, but of its judgment; but he ventured to doubt whether Mr. Cobden exercised a wise discretion in this instance. A division was taken, and the result was—Ayes, 79; Noes, 176; so that a very large majority of the House of Commons was announced to the world as repelling and refusing the Motion of Mr. Cobden at a time when the person who had spoken as the organ of the Government was declared by Mr. Cobden himself to have delivered sentiments which differed but little from those he had himself expressed. He was not prepared to ask the House to join in the adoption of his hon. Friend's Resolution. At the same time, he now stood in some respects in a position of greater advantage than Lord Palmerston did when he addressed the House; because while Lord Palmerston was compelled to rely principally on a perfectly frank, sincere, but still somewhat abstract, declaration of concurrence of opinion, it was now in their power to point to a

course of facts and events which gave strength to those declarations, and enabled him to found himself on a solid basis when he pointed out that he had but one motive for declining to request the House to adopt that Motion—namely, that its adoption would tend to put in jeopardy the progress of the very cause his hon. Friend had at heart. For, while they had much gratifying progress to refer to, they had also many painful circumstances to recall. It was true that in our relations with the United States of America we had been enabled, in a case of primary importance and moment, to adopt and carry through to its conclusion the principle of preferring a settlement by arbitration to a settlement by war, or to what was practically much the same thing—that of leaving unsettled a controversy which in the long run must eventually lead to war. But did the state of facts they perceived on the Continent indicate such a progress in the general mind of Europe as would justify us in departing from the course we had hitherto pursued—namely, of seizing every opportunity of recommending, where we had the title to do so, that method of peaceful procedure, and also of resolving to give the most marked instances we could of our own practical adoption of the principle? For himself, he did not think so. He saw opinion growing in some quarters in favour of that principle; but as yet it was sectional opinion rather than national sentiment. It had not extensively found its way into the Cabinets of statesmen, or into the popular mind of Europe. They must not conceal from themselves the state of facts which characterized the times in which we lived. His hon. Friend himself had described the monstrous and portentous development of armaments they had seen of late years in Europe, and had justly referred to the natural consequences of that development in that vast growth of National Debt and that anticipation of future resources which, when they reached a certain magnitude, became themselves among the most formidable menaces, both to internal tranquillity and the general peace. He held in his hand the work of that eminent Belgian author, M. Laveleye, on the existing causes of war in Europe, written manifestly in the sense and with the object of his hon. Friend. M. Laveleye recognized the obstacles in his

way. He alluded almost with exultation to the Treaty of Washington and its results, and spoke of the Arbitration of Geneva as having re-animated the hopes of the friends of peace throughout the world. But such was the sense that gentleman entertained of the dangers of Europe that, towards the close of his most able and luminous disquisition, he urged, with his usual earnestness, that, for the sake of liberty itself, considerable armaments must be maintained, and that the people both of England and Belgium would do well to submit to the law of compulsory and universal military service. He was not able to follow M. Laveleye in that opinion; but it showed what must be the pressure of the motives which led such a man to a conclusion that must be so painful to him. M. Laveleye, however, in discussing the methods of giving effect to pacific views, looked in the first place to a gradual formation of a code of International Law, and then eventually to the formation of a High International Court. That Court was to be one entirely devoid of any command over physical force. It was to trust to moral force alone. That presupposed a condition of nations in which moral force, they must assume, would be strong enough to induce each of them to give up the prepossessions and predilections connected with its own particular interests and passions, and to adopt a judgment proceeding from some impartial source. Well, we might fairly say with respect to ourselves, and in an equal degree to the United States, that in a matter of the utmost difficulty and delicacy, touching most intimately both the honour and the pride of two great nations, we had fearlessly applied the principle of arbitration. His hon. Friend was glad the Award had gone against us, because it gave us a better opportunity of showing the value we attached to the principle; and he (Mr. Gladstone) thought there was great force in that declaration. If it was a gain to mankind that the people of this country, in conjunction with those of the United States, should resort to the process of Arbitration adopted both at Geneva and Berlin, it was still more important, now when the whole question at Berlin had been given against us, and likewise a modified judgment at Geneva, that the world should see that our attachment to the principle

of arbitration was not a vulgar and sordid attachment founded on a confident expectation of success; that we valued it for its own sake; that we valued it far more than either the territory or the money involved in the dispute; and the opportunity of testing that value by the unhesitating acquiescence—nay by the cheerful and uncomplaining acquiescence—which we had endeavoured to show in those Awards, was that something might go forth to the world as a proof that there must be some real vital force in the principle that indicated and prompted conduct such as that. But let them look at another case. He did not wish to speak in tones of Pharisaic superiority, moral or intellectual, over the civilized nations of Europe. Providence had endowed England and America also with immense advantages and facilities for the propagation of the principle of arbitration, and rendered it far easier for them to apply them than in the case of Continental nations. There was really an enormous difference in all those questions of international conflict between insular and Continental Powers. It was probably owing to the great difficulties arising out of their close contact with their neighbours, and all the historic associations connected with it, that it had been found much less practicable for the nations of the Continent to give effect to Arbitration than for England and America to do so. But let him call to mind one remarkable instance of the failure of that principle which, although it came and went like a flash of lightning, was yet deserving of historical record. He referred to the outbreak of the war of 1870. What was its immediate occasion? The Hohenzollern candidature for the Crown of Spain, followed by an allegation, and with that allegation an undoubted belief prevailing in France of something in the nature of a slight or an insult personally offered. If those questions were judged in the abstract, it would be impossible to conceive questions better qualified to be disposed of by arbitration, because it was in those matters of feeling that a sensible man in private life would endeavour, when he could not settle his difficulty, to obtain the intervention of a friend. That was the view which the British Government took in reference to the relations between Germany and France. Even

upon the spur of the moment they did not scruple to press upon the two Powers concerned the objects of the Treaty of Paris. Reminding them that they had given in their adhesion to arbitration as a principle, and that it was impossible there could be a more suitable occasion for the application of that principle than that which unfortunately had arisen. They were all aware of the result. However earnest and well meant the efforts of Her Majesty's Government were, they entirely failed, and the result had been written in blood upon the history of Europe. What he wanted to point out to his hon. Friend was this, that there was a practical duty connected with the Treaty of Washington that still remained unfulfilled, namely—that which related to what were called the Three Rules. In consequence of the controversies which arose last year, the proceedings connected with those Rules had been suspended. Nor was there, so far as he was able to judge, an immediate likelihood of their being resumed. He could not but think there was some advantage in bringing to a close the proceedings more immediately connected with the Arbitration before they considered the steps to be taken in relation to the Three Rules. The adoption of those Rules if they were sufficiently clear—with amendment if they were not—was a step in the direction in which his hon. Friend desired to go. But there was the utmost apprehension and danger of engendering jealousies and producing re-action by anything like precipitate proceedings in matters of this kind. He was sure that there was even now more or less of an opinion afloat among the various countries of Europe that the Three Rules were meant to give selfish expression to that which was for the interest of Great Britain and America, and not for the benefit of the States of Europe generally. The House would see the great risk we ran if, while a question of that kind was pending, we set about so extensive—he might say so ambitious—a matter as inviting the Powers of the world to adopt an arrangement for the construction of a Code of International Law and a general and permanent system of International Arbitration. Lord Palmerston saw great value in the Motion of Mr. Cobden; he (Mr. Gladstone) saw great value in the Motion of his hon. Friend; but he was convinced that this question for a long

*Mr. Gladstone*

time to come would only make practical progress by a steady adherence on the part of those Powers who were rightly inclined and convinced and persuaded on the subject to the principles—first, of governing themselves by justice and moderation, and next by losing no opportunity of recommending the peaceful settlement of disputes between nations. He did not wish to damp or chill generous aspirations like those of his hon. Friend. There was, he knew, something invidious in endeavouring to rein him in in his career of benevolence and philanthropy. It might seem that they were jealous of his voluntary aid; but he trusted to his hon. Friend's sense of justice to attribute the course they adopted to a better motive and truer conviction. They felt the duty that was incumbent on them of doing all in their power, when the occasion arose, to recommend the principle and practice to which he had referred. But, on the other hand, there was the apprehension that the recommending even of the soundest proposition under circumstances which might give rise to a suggestion of selfish motives—however unfounded the suggestion might be—would not advance the object which they all had in view. He hoped therefore his hon. Friend would not invoke the judgment of the House on his Motion. The sentiment his hon. Friend had expressed was, he believed, the sentiment of all who heard him; but there must of necessity be great difference of opinion as to the policy and expediency of endeavouring to give effect and formal expression to that sentiment in a manner which might tend to force the Government to act and make itself responsible for submitting recommendations at an inopportune time having regard to the existing state of the circumstances of nations. Having used so many expressions tending perhaps to damp the expectations of his hon. Friend, he wished to add one cheerful word. He felt convinced, with a sentiment to which he might almost give the elevated name of faith, for all the hope he had for humanity was so closely associated with it—he felt convinced that there was reserved for this country a great and honourable destiny in connection with this subject. They must be content to proceed step by step. They must by degrees make a character. It was to be recollect ed that they had not always been in the history of their

foreign policy distinguished for remarkable forbearance or sedulous regard for the rights of others. If they were to become effective missionaries of those principles they could only derive authority by making them their own, and by giving to them practical effect by acting on the principles of moderation, good will, and justice. If they did so, then every year would add more and more weight to the abstract doctrines they preached. It would be in this case as it was in that of Free Trade. At first it was suspected that they were Free-traders only so far as it was for their advantage to be so, but they persevered, and soon it became known that the microscope could not discover the smallest remnant or fragment of exclusive privilege in their Commercial Code, and progress in the principles of Free Trade was consequently made in other countries. So also would it be here. It might not be given to those who were engaged in that discussion; it might not be given to those who then sat within the walls of the House to witness the ultimate fruit of such a course. Great and desirable results in the mixed and chequered world in which they lived were only to be achieved by the patient and persevering use of rational and appropriate means. There was not much which excited or appealed to the imagination in preaching lessons of that kind. Still, they were lessons of practical wisdom, and if happily they adhered to them, sooner or later they would not lose their reward, and nations who would profit from walking in the same path would not lose the benefit of our example.

SIR WILFRID LAWSON \* said, that as the speech of the Prime Minister seemed to be so much in favour of the Motion, he was surprised to hear him say he should vote against it.

MR. GLADSTONE explained that what he had recommended his hon. Friend the Member for Merthyr to do was to withdraw it.

SIR WILFRID LAWSON said, he did not think there was a prospect of their doing very much more; but he believed that if they could carry this Resolution, it would be one good done. He supposed that nobody would dispute the evil which was so ably depicted by the hon. Member who had brought forward this Motion; but the worst of it was that the system of keeping up enormous

hosts of armed men for the purpose of settling international disputes appeared to be getting worse instead of better. It seemed to him, moreover, that it had become the settled policy of this country, for when during last Session they challenged the large number of men kept up by the present Government, the right hon. Gentleman the Secretary of State for War told them it was absolutely necessary to maintain this large body of men in the presence of the enormous military forces of the Continental nations. That meant that this country and the other nations of Europe had as yet no better way of settling their disputes than by finding out which was the strongest—which had the greatest number and the best body of fighting men. He thought such a state of things was utterly deplorable and miserable. Why, he wondered what the Shah thought of them? They had him over in this country the other day, and he supposed that his Majesty was brought over that they might civilize him and send him back to do good to Persia. They had taught him a number of things. They taught him to drink champagne. They carried him about and showed him all that they thought most noble. They showed him guns at Woolwich, ironclads at Portsmouth, warriors at Windsor, boxers at Buckingham Palace. In fact, they took him all round, and showed him their power and might. But there was one place they did not take him to—they did not take him to church where he might have heard a sermon proclaiming that the national religion taught them to love their enemies. He did not believe that if the Shah had been taken there, he would have believed the interpreter who told him that that was the principle of their religion. International Law was in what might be truly called a state of international anarchy. Every nation had now a law of its own. There was no overruling law to decide who was right and who was wrong and they knew what would happen if every man in every case which affected himself should be his own judge, his own jury, and his own executioner. That was the case at the present moment with regard to International Law. He ventured to differ from the Prime Minister in thinking that the Motion brought forward by Mr. Cobden 24 years ago was practically the same as that which they were now considering. That in-

structed the Minister to make treaties, whereas this Motion left him virtually free to act on the policy which he might think the best. He dared say hon. Gentlemen had read the debate which took place in 1849. On that occasion the present Lord Russell said he could not himself believe that, connected as the nations of Europe now were, we were destined to have a revival of those wars which, he thought, had been a disgrace to civilization, a disgrace to humanity, and a disgrace to that Christianity which the nations of Europe professed. There was no more far-seeing statesman in that day than Lord John Russell, but how had his prophecy been fulfilled? Why, since 1849 every one of the great European Powers had been engaged in one kind of war or another, and he did not suppose that they were near the end of them yet. They seemed to be on the brink of a mine. Look at Prussia, look at France, and they saw them ready to explode on the shortest possible notice. The main objection to any system of International Arbitration was to be found in the question, where is the power to enforce the decrees of the arbitrators? No doubt that was the great objection—he thought he should be justified in saying the only valid objection, to a measure of this kind. But if they looked to their own country, what did they find had brought about all the great changes which they had seen during the past two generations? Why, public opinion. And although the right hon. Gentleman at the head of the Government said he did not find that public opinion was growing on this subject, he (Sir Wilfrid Lawson) ventured to think that passing such a Resolution as his hon. Friend had proposed in that House would be the way to stimulate and increase the growth of that public opinion. What they wanted in this matter was to create an international opinion. No doubt opinion in international matters, as in other matters, ultimately was supreme. It might be said that the Foreign Secretary would be repulsed in making overtures to other Powers respecting an agreement of this kind. He should say that it was better to try and fail than never to have tried at all. The dis-honour would not be with those who made a rational proposition; it would remain with those who refused to accede to it. It could not lead to any more expenditure than they were carrying on at

present for warlike purposes. He regretted to say that the current of opinion in this country had prevented those who would be anxious to check great expenditure on warlike forces from doing so. Nobody supposed that the Prime Minister really was satisfied with the expenditure of this country. Nor did anybody suppose that the leader of the Opposition really approved of it. They had heard the sentiments of both on the subject. They had heard the Prime Minister's sentiment before he came into power at the last election; and they had heard the leader of the Opposition condemn, in eloquent language, the bloated armaments which were so extravagantly kept up. Now, they could not, he imagined, raise up any hostility on the part of, or give affront to, other nations by adopting a course of action which was so manifestly dictated by feelings of peace and goodwill. It might be said that they should give up the honour of the country. He did not understand that any honour was to be gained by entering into wars when they might settle matters in any other way. The honour and the true statesmanship consisted in keeping out of war. He had heard what was called the "Manchester School" described as mercenary—that they did not care about the honour of the country. His hon. Friend had ably vindicated them that night. They were not mercenary, they were not blood-thirsty, and he believed that school would rather give up large sums of money than they would shed one drop of the blood of the people of this country. They did not say this country was not to be defended. They only said that there was a more excellent way of defending it than by keeping up enormous hosts of men for the settlement of any international disputes which might arise. But the greatest reason of all for attempting something of the kind proposed that night was that the present system had avowedly failed. All these preparations for settling disputes by war had not given a sense of safety and security to the people of this country. Although now and then they were told that they had everything necessary to meet any emergency which might arise, yet ever and anon they were rudely awoken by some authority stating the contrary. Why, the other day, when that great fleet appeared at Portsmouth, it was felt that now, at any rate, they had a perfect fleet, equal to all the fleets

of Europe, and that they might be satisfied. But two or three days after came a letter from Sir Spencer Robinson saying it was all sham—it could not fight. He did not say he believed Sir Spencer Robinson—but nothing satisfied them—nothing of this sort in the way of armament kept them at peace. Why, as regarded their Navy, they kept a constructor and a re-constructor of the Navy, the right hon. Gentleman the Member for Droitwich. He did think that the precedent which had been alluded to already for the settlement of the Alabama Claims by means of arbitration, was in favour of the House accepting this Motion at the present time. ["No."] Somebody said "No," but why should they say "No?" That was a long-standing, a bitter, and an envenomed dispute, and it was settled, as they knew, by arbitration; and he was ready to concur that nothing which the present Government had done had been really more widely popular with the people than the settlement of that question in the way in which it was settled. And he was entitled to say so. Who was there in that House who had dared to impugn the principles upon which that question was settled? They had had Notices given about passing votes of money for the purchase of pieces of plate for the arbitrators, and paltry things of that kind; but nobody had got up, and nobody, he believed, would get up, to make a Motion condemning the system of arbitration which was carried on on that occasion, and which would be the most honourable duty to be hereafter commemorated in connection with the present Ministry, and honourable also to hon. Gentlemen opposite and the party to whom they belonged, for they could not forget that Lord Stanley was the first to propose that arbitration. If that were so, and having gone into that arbitration and come out of it, as he freely confessed, second best, having been to a certain extent done in the matter, but having nevertheless freely and fully accepted the Award, did they not go with clean hands before other nations and say—"Now we support this system of arbitration, not that we can gain more than we have lost, but we believe the saving of blood and bad feeling and international hatred is so great that we are ready to press it upon other nations also?" He believed that Lord Granville would be willing to

accept this Motion. He did not think the right hon. Gentleman was justified in saying that his hon. Friend advocated any precipitate action in the matter. He simply wished to strengthen the hands of the Government in trying to get other nations to agree to this plan. If it would meet the views of the Prime Minister, and prevent a division on the question, he would venture to suggest that it might be well to let the Motion stand thus—

"That an humble Address be presented to Her Majesty, praying that She would be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers with a view to further improvement in International Law,"—omitting that part which said—"and the establishment of a general and permanent system of International Arbitration."

He did not know whether the right hon. Gentleman would agree to that. If he would, he thought the House would agree to it also. All he had to say, in conclusion, was that he did trust that the Government would not oppose this Motion, but would agree to it, so that they might do something to get rid of the present evil system, and hasten the time when the settlement of international disputes should no longer be carried on by brute force, violence, and bloodshed, but conducted in accordance with the dictates of justice and the principles of common sense.

MR. H. RICHARD\* said, that after the kind and patient attention with which the House had listened to him at the opening of this debate, he should feel that he was wanting in courtesy to the House if he were to detain it by commenting at any length upon matters of reply. He had to express his gratification with the whole tone of the speech of the right hon. Gentleman the Prime Minister. He thought the sentiments which the right hon. Gentleman had expressed would produce a salutary effect throughout Europe and the civilized world. At the same time he thought the right hon. Gentleman misinterpreted the scope of his Motion. He seemed to think that he (Mr. Richard) wanted to do something suddenly, and violently, and extreme. But he (Mr. Richard) took pains to explain in the course of his remarks that he did not expect that what was the ultimate aim of this Resolution could be attained at once. He said they looked forward to

the time when there should be something like a Code of International Law agreed upon by the nations, and a tribunal or High Court of Nations established to administer that law. But he said at the same time that he had no expectation of realizing the hope at once, and all that he wanted was that the Government should make one step in advance by entering into communication with other Governments, with a view further to define, and settle, and adjust disputed rules of International Law, and upon that ground he felt he was bound to ask the judgment of the House upon his Motion. It could hardly, perhaps, be expected that the Government should accept at once the Resolution he had placed before the House; but it would be a great stimulus and encouragement to them if the House should affirm the Resolution, and hand it over to them as an Instruction.

VISCOUNT ENFIELD moved the Previous Question.

Previous Question put, "That that Question be now put."—(Viscount Enfield.)

The House divided:—Ayes 88; Noes 98: Majority 10.

Main Question put, and agreed to.

*Resolved*, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers with a view to further improvement in International Law and the establishment of a general and permanent system of International Arbitration.

To be presented by Privy Councillors.

#### AYES.

Allen, W. S.	Colman, J. J.
Anderson, G.	Cowen, Sir J.
Balfour, Sir G.	Cunliffe, Sir R. A.
Bass, A.	Dalrymple, D.
Bassett, F.	Davies, R.
Bazley, Sir T.	Dent, J. D.
Brewer, Dr.	Dickinson, S. S.
Bright, rt. hon. J.	Digby, K. T.
Bright, J. (Manchester)	Dimsdale, R.
Brinckman, Captain	Dixon, G.
Brogdon, A.	Dodson, rt. hon. J. G.
Buckley, N.	Ewing, H. E. Crum.
Burrell, Sir P.	Eykyn, R.
Cadogan, hon. F. W.	Fawcett, H.
Candler, J.	Forster, C.
Carter, R. M.	Fowler, R. N.
Cave, T.	Fowler, W.
Chadwick, D.	Gilpin, C.
Cholmeley, Captain	Goldsmith, Sir F.
Clifford, C. C.	Gower, hon. E. F. L.

Sir Wilfrid Lawson

Gower, Lord R. Morrison, W.  
 Gravé, J. J. Onslow, G.  
 Hardy, J. Palmer, J. H.  
 Headlam, rt. hon. T. E. Parry, L. Jones.  
 Herbert, hon. A. E. W. Pell, A.  
 Hermon, E. Pim, J.  
 Hodgson, K. D. Potter, E.  
 Holland, S. Roaayne, J. P.  
 Holmes, J. Rylands, P.  
 Hoskyns, C. Wren- Samuelson, B.  
 Illingworth, A. Sartoris, E. J.  
 James, H. Seely, C. (Nottingham)  
 Johnston, A. Shaw, R.  
 Lawson, Sir W. Sheridan, H. B.  
 Lea, T. Simon, Mr. Serjeant  
 Leatham, E. A. Smith, E.  
 Leeman, G. Stevenson, J. C.  
 Leith, J. F. Stuart, Colonel  
 Lloyd, Sir T. D. Taylor, P. A.  
 Lubbock, Sir J. Tollermache, hon. F. J.  
 Lush, Dr. Torr, J.  
 M'Arthur, W. Tracy, hon. C. R. D.  
 M'Clure, T. Hanbury.  
 Marchant, S. S. West, H. W.  
 Melly, G. White, J.  
 Miall, E. Whitwell, J.  
 Milbank, F. A. Wingfield, Sir C.  
 Miller, J.  
 Mitchell, T. A. TELLERS.  
 Morgan, G. O. Mundella, A. J.  
 Morgan, hon. Major Richard, H.  
 Morley, S.

Samuda, J. D'A. Wheelhouse, W. S. J.  
 Simonds, W. B. Whitbread, S.  
 Smith, F. C. Wilmot, Sir H.  
 Smith, R. Winn, R.  
 Stanhope, W. T. W. S. Winterbotham, H. S. P.  
 Stansfeld, rt. hon. J. Wynn, C. W. W.  
 Starke, J. P. C. Yorke, J. R.  
 Tipping, W.  
 Wallace, Sir R. TELLERS.  
 Walter, J. Adam, W. P.  
 Whalley, G. H. Glyn, hon. G. G.

## PUBLIC HEALTH BILL.—[BILL 99.]

(Sir Charles Adderley, Mr. Francis Sharp Powell,  
 Mr. Whitbread, Lord Robert Montagu, Mr.  
 Stephen Cave, Mr. Richards.)

## COMMITTEE.

Order for Committee read.

SIR CHARLES ADDERLEY, in moving that the House do go into Committee on this Bill, stated that its main object was a preparation to consolidate the law relating to the public health, and with this view to make certain amendments in various parts of the existing law which the Commissioners in their Report had declared to require alteration. It was desirable to complete amending before consolidating. The Acts of the last two Sessions had completed the machinery of local Government, and the digests of Sanitary Law made by the Department had enabled that machinery to work. This Bill proposed to fill up all that digest showed wanting in the law, so as to put it in condition for consolidation. The Amendments of which Notice had been given were not numerous or hostile to the Bill. If the House went into Committee he should not press any portion of the measure against what he found to be the sense of the Committee.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Sir Charles Adderley.)

MR. CORRANCE, as a sanitary reformer, opposed the Motion with great reluctance. He had formerly stated his reasons for opposing this Bill, and he would not repeat them at that late hour. The Bill was injudicious, especially in its machinery and the extraordinary powers which it gave to those who were to administer its provisions. The Bill would add to the burdens of the rate-payers, and, what was more objectionable, to the power of the Central Government. It gave the Central Govern-

## NOES.

Adderley, rt. hon. Sir C. Forster, rt. hon. W. E.  
 Agnew, R. V. Foster, W. H.  
 Akroyd, E. Galway, Viscount  
 Amphlett, R. P. Garnier, J. C.  
 Ayton, rt. hon. A. S. Gladstone, rt. hon. W. E.  
 Baker, R. B. W. Gore, J. R. O.  
 Barrington, Viscount Grant, Colonel hon. J.  
 Barttelot, Colonel Grosvenor, hon. N.  
 Bates, E. Guest, M. J.  
 Bateson, Sir T. Hambro, C.  
 Beresford, Colonel M. Henley, rt. hon. J. W.  
 Bourne, Colonel Hick, J.  
 Brassey, T. Holt, J. M.  
 Brise, Colonel R. Hutton, J.  
 Bruce, rt. hon. H. A. Jardine, R.  
 Bruen, H.  
 Campbell-Bannerman, Jones, J.  
 H.  
 Cardwell, rt. hon. E. Kavanagh, A. MacM.  
 Carington, hon. Col. W. Kay - Shuttleworth,  
 U. J.  
 Cartwright, W. C. Kinnaird, hon. A. F.  
 Cavendish, Lord F. O. Laird, J.  
 Cavendish, Lord G. Liddell, hon. H. G.  
 Chidlers, rt. hon. H. Lowther, J.  
 Corrance, F. S. Lyttelton, hon. C. G.  
 Corrigan, Sir D. MacCle, R. A.  
 Cowper, hon. H. F. M'Lagan, P.  
 Delway, M. R. Maxwell, W. H.  
 Dillwyn, L. L. Mellor, T. W.  
 Duff, M. E. G. Miller, W.  
 Dyott, Colonel R. Monckton, hon. G.  
 Egerton, Adml. hon. F. Newport, Viscount  
 Enfield, Viscount Parker, Lt.-Col. W.  
 Ewing, A. Orr. Powell, W.  
 Fielden, J. Read, C. S.  
 Fitzmaurice, Lord E. Russell, Lord A.

ment a dangerous power—a power to override the authority and liberties of the local Government. The right hon. Gentleman was trying to thrust this Bill down their throats against the feeling of the people out-of-doors. He did not know whether the right hon. Gentleman would withdraw those clauses of the Bill which conferred additional powers on local boards. There was not the smallest chance of the passing of the measure this Session in the face of the fact that the Government felt themselves obliged at that late period of the Session to withdraw many of their own important measures. He would therefore ask the right hon. Gentleman to withdraw it. He would at once do so, he believed; but he was supported by the President of the Local Government Board. But it was that right hon. Gentleman's duty to bring forward a Bill on so important a subject, and not leave it in the hands of a private Member. He moved that the Order for Committee be discharged.

MR. F. S. POWELL reminded the House that the Bill was introduced at an early period of the Session, and was delayed to this comparatively late period by the opposition of a single Member under the operation of a well-known Rule of the House. He would remind those country Gentlemen who opposed the Bill that this was not the time to oppose themselves to proposals which went to improve the social condition of the agricultural classes of this country. They had three powerful diseases to contend with—namely, consumption, rheumatism, and typhoid fever, and this Bill was intended to deal with them effectually by measures carefully devised, with a view to their prevention. The country Gentlemen of England desired to improve the health and the wealth of the people, and particularly of the agricultural labourers, and he did hope they would not refuse the boon which they were asked to grant. He was old enough to remember the time when the cry of "foreign competition" was raised in answer to arguments in favour of a free trade policy. That cry degenerated into a panic and in the end was derided as a mere hobgoblin argument. Taught by this experience he hoped the local taxation hobby-horse would not be ridden too hard. Hon. Members might depend upon it that if

they did not take heed this cry likewise would become a mere hobgoblin. They did not desire to increase the taxation of the people, and no increase, he thought, would be necessary under this Bill, which did not create one new office, or render necessary the appointment of one additional officer; but even if it were, then, he said, let them consider whether the game was not worth the candle. He desired to increase the physical energies of the people, being well assured that there was no resource more productive of wealth than the energies of a vigorous and stalwart race.

MR. PELL said, that as yet the rural sanitary authorities of the country had not had time to master the digest of the sanitary laws which had been sent to them; and he hoped there would not be an undue disposition to rely too much upon legislation on the matter, but that greater attention to cleanliness would be paid. He would allow that legislation, so far as it had gone on this subject, had not been altogether satisfactory, and it was almost trifling with it to attempt at this period of the Session to proceed further with the Bill. There were provisions in it of which he could not approve, especially those which depended upon chemical analyses. He would advise that the Bill should not be carried further, and would therefore support the Amendment.

MR. D. DALRYMPLE said, that though he did not approve of the Bill, he did not take upon himself the responsibility of opposing it, as it was a measure that at least went in the right direction, and any delay in passing it it would be, so far, a circumstance to be regretted.

COLONEL BARTTELOT considered that at the present advanced period of the Session it was utterly impossible to discuss with any practical result a measure of this extensive scope and magnitude. The question was one to be introduced by the Government, and not by a private Member.

MR. STANSFIELD said, that his right hon. Friend (Sir Charles Adderley) was the Chairman of the Sanitary Commission which sat for two years, and whose invaluable Report was the basis of the measure which the Local Government Board passed last year. The rest of the Report of the Commission was embodied in the clauses of the present Bill. He

had fully explained, when asked whether he intended to bring forward a measure on this subject, that the pressure of other business did not leave him sufficient time for undertaking the task. He had always declined to make this a party question, and held himself as free to give his support to a measure brought forward by a hon. Member on the opposite side of the House as to one emanating from the party to which he had the honour to belong. Considering the position of his right hon. Friend opposite on this question, it was due to him in point of courtesy and fairness to allow him to take his Bill into Committee. One objection to the Bill was that it would add to local burdens. But let them go into Committee and test that objection. He maintained that there was no clause in the Bill which would add one farthing to local rates in respect of the appointment of any new sanitary officers, and he hoped hon. Gentlemen would withdraw their opposition, and allow it to go into Committee.

VISCOUNT GALWAY said, great credit was due to the right hon. Gentleman opposite (Sir Charles Adderley) for the services he had rendered to the country on this question; but, inasmuch as the Bill of last year was working well, and looking at the advanced period of the Session, he should support his hon. Friend's Motion against the House going into Committee on the Bill.

DR. LUSH supported the Motion for going into Committee.

MR. J. G. TALBOT said, he appealed to the hon. Member for East Suffolk (Mr. Corrance) not to press his Motion to a division, and suggested that the object of the hon. Member and his Friends might be attained upon the clauses in Committee. With regard to the country and town districts, in his opinion the towns were much more in need of sanitary reform than the country. He should be sorry if it were to appear to the country that any section of the Members of that House was opposed to sanitary reform; and he therefore hoped his hon. Friend would not divide the House on the question.

MR. CLARE READ concurred with the right hon. Gentleman opposite (Sir Charles Adderley), that this question of sanitary reform should not be made a "party" question; but he must remind the right hon. Gentleman that he op-

posed the Birmingham Sewage Bill, the object of which was sanitary reform. It was only last year that an Act was passed repealing 25 or 26 Acts of Parliament. Instead of tinkering with this matter, the House ought to have a thorough reconstruction of the Acts of Parliament upon this subject, and the Government might advantageously turn their attention to the subject in the Recess.

MR. HIBBERT suggested a compromise—namely, to allow the Bill to go now into Committee, and merely to pass the Preamble of the Bill on the present occasion.

MR. HENLEY said, it was most unfortunate that these sanitary systems were being patched, and he did not think the right hon. Gentleman would like to have another patch next year. He was not responsible for this Bill, which referred to clauses in another Bill, and the result of that kind of legislation was to produce a fresh batch of Bills to amend other Bills. Many of the clauses imposed conditions which were utterly impracticable, and he very much doubted whether at that period of the Session it was prudent to press such a measure.

MR. DIMSDALE said, he thought it was impossible to consider the clauses of a Bill of this importance at so late an hour. He should therefore move the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(Mr. Dinedale.)

The House divided:—Ayes 36; Noes 92: Majority 56.

Question again proposed, "That Mr. Speaker do now leave the Chair."

MR. KNIGHT, believing that the Local Government Bill of last year had proved a curse instead of a blessing to the country, and that the present Bill would only make matters worse, begged to move that the House do now adjourn.

Motion made, and Question, "That this House do now adjourn,"—(Mr. Knight,)—put, and negatived.

SIR MICHAEL HICKS-BEAUCH appealed to his right hon. Friend (Sir Charles Adderley) not to press the Bill further. It was ridiculous to go into Committee at 1 o'clock, especially as every clause of it would be objected to.

SIR CHARLES ADDERLEY said, he would consent to reporting Progress so soon as the Preamble was postponed.

Original Question put, and agreed to: Bill considered in Committee.

Committee report Progress.

Motion made, and Question proposed, "That this House will, upon Friday next, again resolve itself into the said Committee."

Amendment proposed, to leave out the word "Friday," in order to insert the words "Tuesday the 12th day of August,"—(Mr. James Lowther,)—instead thereof.

Question put, "That the word 'Friday' stand part of the Question."

The House divided:—Ayes 74; Noes 24: Majority 50.

Main Question put, and agreed to.

*Resolved*, That this House will, upon Friday next, again resolve itself into the said Committee.

#### HABITUAL DRUNKARDS BILL.—[BILL 11.]

(Mr. Donald Dalrymple, Mr. Gordon, Mr. Akroyd, Mr. Clare Read, Mr. Miller, Mr. Downing.)

SECOND READING.

Order for Second Reading read.

MR. D. DALRYMPLE, in moving that the Order for the Second Reading be discharged, said, he hoped that when he brought forward the measure next Session he might obtain some assistance from the Government.

MR. BRUCE regretted that his hon. Friend was unable to proceed with the Bill this Session, but was pleased to find that it was his intention to re-introduce it next Session. All the evidence proved there was a real want to be supplied; but of the machinery for supplying it he could not as yet express an opinion.

Order discharged; Bill withdrawn.

House adjourned at half after One o'clock.

#### HOUSE OF COMMONS,

*Wednesday, 9th July, 1873.*

MINUTES.]—PUBLIC BILLS—First Reading—Exchequer Bonds (£1,800,000) \* [280].

Second Reading—Sale of Liquors on Sunday (Ireland) [52], put off; Municipal Boroughs Extension [48], negatived; General Police

and Improvement (Scotland) Acts Amendment\* [200]; Civil Bills, &c. (Ireland)\* [187]; Revising Barristers\* [221].

Committee—Burials [9] debate adjourned.

Committee—Report—Elementary Education Provisional Order Confirmation (Nos. 4, 5, and 6)\* [208, 209, 210]; Local Government Provisional Orders (Nos. 4 and 5) \* [211, 212]; Married Women's Property Act (1870) Amendment (No. 2)\* [24].

Third Reading—Tramways Provisional Orders Confirmation\* [218], and passed.

Withdrawn—Land Rights and Conveyancing (Scotland)\* [112].

#### SALE OF LIQUORS ON SUNDAY (IRELAND BILL).—[BILL 52.]

(Sir Dominic Corrigan, Mr. Pim, Mr. O'Neill, Viscount Crichton, Mr. McClure, Mr. William Johnston, Lord Claud Hamilton, Mr. Beest.)

SECOND READING.

Order for Second Reading read.

SIR DOMINIC CORRIGAN, in rising to move That the Bill be now read the second time, said: I do so with every hope of success, for we have advanced so far that in the Licensing Bill of last year the principle has been recognized that the drinking of intoxicating liquors on Sunday is attended with more injury to the people than on week days, and therefore the hours allowed for drinking on Sundays were curtailed under that Bill. This is a great point for us who advocate the complete closing of public-houses during the whole, not a part of the Sunday. It is admitted on all sides that much good has been done by the partial closing of public-houses on Sunday; let us now complete the good work by closing them through the whole of the day. I know it is argued that as we have done so much good we ought to be content with it; we ought to "leave well enough alone;" but I cannot, Sir, assent to that principle; we do not apply it to the commonest affairs of life; we do not apply it to mechanics; we are never content that in mechanics we have attained a certain amount of efficiency, and that we should then be content with the progress we have already made. Are we to be content with the progress we have made in morals, and not try to better ourselves or our people? Surely there is no need to answer the question. Much good has been achieved by the partial closing of houses for the sale of whisky throughout all Ireland on Sunday; much greater good will be done

by their total closing; and let us now do it. If we have now only 75 drunkards by the partial closing of the public-houses, where we had previously 100, let us go on in the same course, and we shall have only 25 drunkards, where we had previously 100. I think we can attain that if we adopt this Bill. I do not expect that we can altogether obliterate drunkenness by it, but we can, I think, obliterate it, or nearly so, on Sundays in Ireland. On other days men in Ireland are scattered through the country at their farm, and other labours. They cannot and will not leave them to go half a mile into a town for whisky. But Sunday comes round. It is their <sup>only</sup> day of recreation. They assemble at the public-houses; they are exposed to all the temptations and bad example around them. They drink in rounds—that is, each of the party treats his companions in turn. Then comes waste of wages, the madness of drunkenness, the awaking of bad passions, assaults, and murder. In the last sessions in an Irish county—Clare—only last month—June—the Chairman said the calendar was a disgrace to Ireland. “It contained a larger amount of savage assaults than on any previous occasion,” and these assaults he attributed in nine cases out of ten to drink, and Sunday is the day in Ireland when these terrible temptations most abound. Mr. Blake, J.P., County Kilkenny, writes this month—July, 1873—

“Nearly all the cases before us at petty sessions are drunkenness or fighting therefrom, and the greater number are from drinking on Sunday.”

Twelve months have elapsed since I last brought this question before the House. I was then beaten by a majority of 33. For the sake of our people give me a majority the other way to-night. I do not want to interfere with England—give us what they have in Scotland. For 20 years the public-houses have been closed by law in Scotland. During that whole time there has not been—I am told by a Scottish Member who sits on my right—a single Petition to repeal the law, to re-open the public-houses in Scotland. We were once similarly circumstanced in Ireland. Up to the year 1833 our public-houses were all closed in Ireland, as they are now closed in Scotland. I appeal now to English Members. If

drunkenness—and particularly Sunday drunkenness, with its train of vice, fighting, and murder—has become a national disgrace in Ireland, who inflicted it on us? Not an Irish, but an English Parliament. A year had not elapsed after 1833 when the Corporation of Dublin prayed that you would repeal the law and again close the public-houses on Sunday. Retrace your steps now, and give us the boon you have given to Scotland. A year has passed over since I last addressed the House on this subject, and how does public opinion now speak? The first Petition on my list to day for the total closing of public-houses on Sunday is from 215 deputy lieutenants and magistrates. The second is from eight Archbishops and Bishops, and from other dignitaries of the Catholic Church. The third is from the clergymen of the Catholic Church in Dublin and its vicinity, headed by Cardinal Cullen, whose name stands first on the list. The fourth is from eight Bishops and other dignitaries of the Protestant Church of Ireland, and the fifth is from the clergy of the Protestant Church in Dublin and its vicinity. Yesterday I presented several Petitions from the Presbyterian and other denominations from various parts of Ireland, all praying for the same—close up public-houses on Sundays. As nearly as I can calculate, in addition to the multitude of Petitions presented in the last Session, there have been presented this Session, up to the present, not less than 60 Petitions with at least 3,000 or 4,000 signatures, exclusive of many officially signed, each of which has, of course, only one signature. And now let me turn to tell the House after another year’s trial and consideration of the question, how many Petitions from Ireland have been presented to keep open public-houses on Sunday—not one. I inspected the Report of the Committee of this House on Petitions yesterday, and on its Paper not a single Petition is recorded against the Bill. You will perhaps hear something in the course of this debate as to the hardships inflicted on the working men of their going to their houses of worship and coming from them not being able to get whisky to “keep their devotion warm on their return home.” But have the working men of Ireland appealed to this House to keep open public-houses on Sunday? Not a single

Petition has been presented from them; not a single meeting of them has been held to object to this Bill. Workmen's clubs are now established in Dublin and are being established in other towns through Ireland. Most warmly do I wish them success. They are conducted by most intelligent men. Has a single Petition emanated from any one of those clubs? Not one. Who are to be benefited, I may here ask, by keeping public-houses open on Sunday? Not those who drink whisky, for they ruin their health and beggar their families, and fall into crime. Not the licensed vintners and spirit grocers who keep their houses open, for the Sunday drinker soon becomes incapable of earning wages, and the profit of the sale is gone, and the licensed retailer of spirit and grocery who would hope to continue in receipt of money from the Sunday drunkard will be as much disappointed as the man in the fable who killed the goose to get all the golden eggs at once. There is only one Department of the State that can derive benefit from the continuance of selling whisky in Ireland on Sunday, and that is the "Excise," but of that I will only say that there exists not, and never will exist, in any Government or in the United Kingdom a single individual who would ever allow such a thought—a consideration to enter his mind. I will not take up the time of the House with the nonsense that is occasionally put forward on the subject that persons going on country excursions on Sunday cannot take recreation without the opportunity of purchasing whisky as refreshment. Those who are led into drinking on Sunday in Ireland are not those who go into the country for fresh air and exercise, but those who turn their steps from fresh air and country walks into unhealthy towns to fall into bad company and intoxication and crime. One word more as to the supposed necessity of whisky drinking on Sunday as refreshment. In the Bay of Dublin there are from 50 to 60 trawlers, each with a crew of five men and a boy, and 200 or 300 herring boats with similar crews. And what is their rule? They do not allow any intoxicating liquor on board, although they are out for several days or a week each time, at hard labour and exposed to rough weather, and if they can bear so many days continuously without whisky, surely the well-fed

excursionist may pass one day without the opportunity of buying whisky; and, moreover, the Bill now before us does not prevent excursionists carrying with them as much whisky as they like. Some who call themselves philosophers, and deal with abstract platitudes, would denounce the Bill and its provisions as interfering with the liberty of the subject. Every law is an interference with individual liberty, and so we need not, I think, dwell on that objection. It is again objected to as "class legislation," and the rich man's private club has been denounced and contrasted with the poor man's public-house. I went so fully into an exposure of the fallacy of comparing "club-house" and "public-house" together in my observations on the Bill of last year, that I do not think it necessary to repeat them now. Another objection made to the Bill is that if it pass into law, and that the ordinary houses for the sale of whisky be shut up, it will increase "illicit drinking." The reply to that may be very short. There are several districts in Ireland in which voluntary closing for the whole of Sunday has taken place, and the evidence of the Catholic Bishops and clergy is that this result has not occurred; indeed, it is manifest that it has not occurred, for the towns in which the voluntary closing has taken place are described as most orderly in the evenings, whereas before they were scenes of riot and disorder. This improved order could not exist if illicit drinking had increased. Its bad fruits could not be concealed in the shades of night. Moreover, if this Bill pass, the honest trader, the police, and the constabulary will all be combined against the illicit dealer, and he must cease his mischievous trade. I will only trespass now on the House with a few short extracts from authorities who command our respect on the question, and they are all written within the last month or two months. The Most Rev. Dr. Furlong, Bishop of Ferns, writes this month from Wexford—

"I am happy to inform you that the Sunday closing observance, inaugurated in the Diocese of Ferns 17 years ago, has been productive of the happiest results. We have no longer to deplore those frequent scenes of riot and disorder, which formerly it was so painful to witness. The County Wexford presents on Sundays those features of quiet and repose, and exemption from all disturbance, so well suited

*Sir Dominic Corrigan*

to a day specially devoted to the divine worship."

G. J. Barry, Esq., J.P., Kilmallock, County Tipperary, writes as follows last month:—

"A portion of this 'petty sessions' district being in the diocese of Emily, the 'Sunday temperance law' is in force. No drink can be had on Sundays, consequently there is a complete absence of fighting and drunkenness; but from that portion of the district where the Sunday closing is not observed, drunken cases, riots, fighting, &c., crop up pretty abundantly at petty sessions. I find a pretty general feeling in favour of Sunday closing, even among the publicans. The latter don't complain of any hardship where this 'Sunday temperance law' is in force, and decidedly the public have no reason to complain, as the gain is altogether on their side."

R. J. Hamilton, Esq., J.P., County Tyrone, writes thus, also last month—

"It would be a great blessing to this country if the public-houses were closed. I cannot tell you the amount of drink that is sold in Dromore, near me, on Sundays; and it is a disgrace to this neighbourhood to see so many people coming home scarcely able to walk from the effects of intoxicating drink. Most of the drunken cases brought to Firlick Bench by the constabulary happen on Sundays."

Mr. Fitzmaurice, J.P., says—

"Having been nearly 30 years in the Commission of the Peace, I can confidently state that most of the crime committed in our district has arisen from Sunday drunkenness and intoxication."

Mr. Rolleston, D.L., J.P., County Tipperary, writes as follows:—

"I was opposed to this (closing public-houses on Sundays) movement, but I have heard so much of the beneficial effects of Sunday closing in the Roman Catholic archdiocese of Cashel, promoted by the Archbishop, I am now as much in favour of it as I was opposed to it."

Mr. Hale, J.P., County Sligo, writes that he

"Believe that a great deal of crime is caused, and a great many poor families driven to ruin and the poor-house by Sunday drinking. By all means let us have public-houses closed on Sunday. It will be a blessing to Ireland."

Mr. Disney, J.P., Curragh Camp, writes that—

"The restrictions of the hours for the sale of intoxicating drinks has materially improved the morals of the people in this locality; nevertheless, nothing but the entire cessation of the liquor traffic on Sundays will obtain the requisite decorum."

I will now leave the matter in the hands of the House. I wish it had fallen into the hands of an abler advocate. That could have easily happened, but it could not have fallen into the hands of one

who has seen more of the sad effects of intemperance than I have, and who well knows that among the agencies that perpetuate the vice of intemperance, there is not one that is more fruitful in all the evils that follow habits of intemperance with all their bad consequences than "Sunday drinking in Ireland."

Motion made, and Question proposed, "That the Bill be now read a second time."—(Sir Dominic Corrigan.)

MR. CALLAN, in rising to move that the Bill be read a second time that day three months, said, he did so neither as an advocate of the licensed vintners nor because he was in favour of the unrestricted sale of intoxicating liquors on Sundays. He opposed the Bill on principle, because he disliked all such compulsory prohibitive legislation, and believed that the passing of such a Bill would lead to the creation of evils of much greater magnitude—in the shape of "shebeens" and irregular houses—than those which the promoters of the Bill professed it was intended to remedy. He hoped that the House would deal summarily with the Bill, and that by its prompt rejection they would show that Parliament disapproved of those irritating discussions, which could not by any possibility have any practical or beneficial result. He denied, from his own personal knowledge, that there was that unanimity in favour of the measure which the hon. Baronet alleged, and asserted that it was only a small and active minority who were in favour of Sunday closing. He pointed out that a Bill for regulating the sale of fermented and distilled liquors by retail on Sundays in Ireland, which was prepared and brought in by the hon. and gallant Member for Longford (Mr. O'Reilly), the noble Lord the Member for Monaghan (Lord Cremorne), and the senior Member for Dublin (Mr. Pim), read a first time and ordered to be printed on the 18th of February 1868, extended the prohibition of the sale of liquors to be consumed on the premises to the entire of Sunday, but permitted their sale for consumption off the premises from 2 o'clock to 4 o'clock, and from 8 o'clock to 9 o'clock, and by eating-house keepers to their customers at meals. After considerable discussion that Bill was referred to a Select Committee consisting of 15

Members—1 English, 1 Scotch, and 13 Irish Members, all still Members of the House, with the exception of Mr. Pollard-Urquhart, Mr. Leader, and the noble Lord the late Governor-General of India, the then Chief Secretary for Ireland. The Committee sat 13 days, extending over a period of more than two months, examined 22 witnesses, representing almost every class and district in Ireland, and their unanimous Report and recommendations appeared in the shape of the Bill "as amended by the Select Committee," brought in by the same hon. Members, on the 26th of May of the same year, which merely restricted the hours for sale of liquors, whether drunk on or off the premises, from 2 o'clock to 7 o'clock in rural districts, and from 2 to 9 o'clock in cities and towns of over 5,000 inhabitants, giving power to the magistrates in petty sessions to licence hotels in rural districts to remain open to 9 o'clock, and power to local boards to restrict the hours in towns of over 5,000 inhabitants to the hours fixed for rural districts. The Bill was not persevered with, but was re-introduced in 1869, and withdrawn on the representation that the subject would be dealt with by the Government Bill when introduced; that promise was fully redeemed last Session when those restrictions, recommended by and embodied in the Bill of the Select Committee, were adopted and enacted by the Bill of last Session. He asked what case had been made out to justify an interference with the existing Act, which he asserted had been found to work satisfactorily, or what evidence had been brought forward to displace that given before the Select Committee? The hon. Baronet had produced no evidence as to the necessity of the Bill. He had quoted the opinions of private individuals in favour of the movement, but he had produced no Report or statement in support of his views from the magistrates or the police, who were responsible for the good order and government of the country, and the accuracy of which could be tested. On referring to the evidence taken by the Select Committee of 1868, he found that all those who had the largest experience of the working of the Acts regulating the liquor traffic were opposed to the total closing of public-houses on Sundays. What said Mr. O'Ferrall, the Chief Commissioner of

the Metropolitan Police, Dublin, speaking from large experience?—that "total closing on Sundays would not be desirable." Inspector Corr—well known, he was sure, to the junior Member for Dublin, as he was to many hon. Members of the House, as one of the ablest and most experienced officers in the force—gave strong evidence against total closing or absolute prohibition; as did also probably the best known police magistrate in Ireland, Mr. Frank Thorpe Porter, for upwards of 20 years the chief divisional magistrate in Dublin. The Mayor of Cork considered that "it would be utterly impossible to stop the sale of intoxicating drink on Sundays," and considered that "the people, while in favour of increased restriction, were totally opposed to entire prohibition;" and Canon McCabe, one of the most able and eminent dignitaries of the Catholic Church in Dublin, while most favourable to temperance and increased restrictions, "could not recommend total closing on Sundays." The hon. Baronet referred to Scotland, and to the encouraging results there of the Forbes-Mackenzie Act. He (Mr. Callan) knew very little of Scotland, but if there was no drunkenness and gross immorality in the lower quarters of the large towns of Scotland on Sundays, then all he could say was that they were the most maligned and calumniated people on the face of the earth. If the feeling in favour of closing public-houses on Sunday in Ireland was so universal as alleged, why not leave the matter to the spontaneous action of the people and lend their aid to the clergy in their effort to promote amongst and by the people a voluntary temperance law, which they would observe with fidelity? He objected to the Bill as "class legislation" which would press vexatiously on the artizan and labourer, and leave untouched the "club of the rich man," where the hon. Baronet and other supporters of the Bill could indulge in their "sherry and seltzer," whilst the poor man who came out for a breath of fresh air after working all the week could not get a "drop of drink"—even a glass of beer. He had often wondered at the remarkable absence of the name of the hon. Baronet from the division lists on the many Coercion Bills for Ireland; but perhaps the present Bill afforded the ex-

planation that the hon. Baronet was in favour of restrictive and coercive measures for his country. If his recollection did not fail him, the hon. Baronet in one of his canvassing harangues, spoke pathetically of the injustice and hardship of a law which would restrict the people of Ireland from being allowed to have and enjoy their glass of whisky or beer on the Sunday. Yet the hon. Baronet now wished the House of Commons to pass a Bill which would impose restrictions on the people, and debar them from obtaining on the Sunday that which was necessary for them. He (Mr. Callan) thought they had quite enough of restrictions in Ireland, without the hon. Baronet coming forward to aid in imposing further restrictions on its people. He recollects that one of the most eloquent speeches that had been made against closing public-houses on Sundays was made by the hon. Baronet. [Sir DOMINIC CORRIGAN: No, no; that is quite a mistake.] He thought, as he said before, in referring to it, that he remembered the hon. Baronet saying that if he landed at Kingstown on a Sunday from his yacht, he might go to his club or to an hotel and have a glass of sherry and seltzer-water, or a "brandy and soda," and that it would be a hardship that his boatmen, who might be wet through and exhausted by their exertions, could not get even a glass of "grog" at a public-house. The hon. Baronet seemed to sneer at those Members who had expressed their sympathy for the working men, and said they were a class of persons whom he did not trust. Very probably the mistrust was mutual, and he (Mr. Callan) should be surprised if the working men of Dublin did not at the coming General Election show in a very marked manner their mistrust of the hon. Member. The hon. Baronet had asked by what authority the opponents of his Bill spoke on behalf of the working men of Ireland, and called upon them to show their "credentials." Well, he (Mr. Callan) required no credentials of the kind. In every movement having for its object the advancement of, or the interest of, the working man, he had, in the county to which he belonged, taken his part, and on their behalf and in their name he objected to this most vexatious Bill. He could not understand why the hon. Baronet persisted with it

unless, indeed, he wished to leave it as a parting bequest to his constituents on his leave-taking, now on the eve of a dissolution. If the hon. Baronet introduced a Bill of a permissive nature, giving the power of closing public-houses on the Sunday to a substantial majority of the inhabitants of the district, say three-fourths or four-fifths, he would support it on principle, as a logical sequence to the demand of the people for Home Rule, and also because such a power, whilst it would never be exercised against respectable and properly conducted houses, would act as a salutary check and deterrent on parties otherwise disposed. The reason why Sunday closing had succeeded so well in the dioceses of Cashel and Ferns was because it was done with the concurrence of the people. And he could confidently assert that such an arbitrary Bill as the one before the House would never meet with the concurrence of the people, but on the contrary would act as a repellent and seriously injure, rather than serve, the voluntary movement in those districts. Before sitting down, he must express his surprise at the character given to the people of Dublin and suburbs by their Representative. If he (Mr. Callan) were a stranger, he would, after hearing the hon. Baronet, leave the House under the impression that the principal Sunday characteristics of the hon. Baronet's constituents was drunkenness and disorderly "rowdyism." Well, he could, from personal knowledge, assure the House that the people of Dublin, the artizans and working classes, were most exemplary—creditable alike to themselves and their country. Such a Bill as this could not work without the consent of the people, and no evidence had been produced to the House by the hon. Baronet to show that the people of Ireland had consented to accept the measure, therefore he felt justified in moving its rejection.

MR. J. LOWTHER ventured to second the Amendment at the risk of incurring the censure of the hon. Baronet, who said he could not approve the gratuitous champions of the working men in this matter. He (Mr. Lowther) strongly objected to the view of some supporters of the measure, that it should be passed because bodies of persons outside were loud in their advocacy of it; and he could not understand why in a matter

of that nature, the working classes of Ireland should be legislated for in an exceptional manner. He regarded the individual opinion of Members of Parliament, as opposed to the moving impulse of the mere delegate, as an element of Parliamentary government which should be jealously guarded. Nothing could be more harmful to the influence of the House than the propagation of an opinion, that no one should be listened to unless he could prove for the occasion that he was the delegate of others outside. That would be destructive of the very essence of Parliamentary government. But after all, what was the hon. Baronet but a gratuitous champion in this matter—the *amicus curiae* of those whose views he advocated? He could not, however, but recollect that the hon. Baronet had been a party to the Licensing Act of last Session, and therefore he could not understand why he should come down to that House, in the second week in July, and ask them to disturb that arrangement, which, whatever might be its defects, or whatever might be its merits, had been generally accepted as no unfair settlement of the question. The hon. Baronet, who had very much overstated his case, must be fully aware that that was a question on which considerable difference of opinion existed. He was, he was bound to confess, much struck at the success of the hon. Baronet in getting a House together; but, at the same time, he would venture to observe that if a vote of the House were now taken on the Bill, it would represent rather the opinion of Irish Members than the pronounced decision of the Imperial Legislature. Great stress had been laid upon the fact that Petitions numerously signed had been presented in favour of the Bill; but they all knew how Petitions of that kind were got up, and therefore he attached no importance to them. The hon. Baronet had, however, urged another and a better argument in favour of his Bill. He had told the House that all the rows and riots in Ireland, nay, he went further and included sedition, were to be traced to the use of whisky-punch in public-houses on Sundays. Now, if the hon. Baronet could assure the House that Ireland would become quiet, peaceful, and loyal, if the Bill were passed, he (Mr. Lowther), although he differed from it in principle,

would be inclined to support it. That, indeed, would be a strong case made out in its favour, and the measure itself would be an agreeable substitute for Coercion Acts and Arms Acts and for Acts suspending the constitutional privileges of the subject. Still the Bill would only provide an immunity from outrage and disloyalty on one day out of seven, so that his statistics and facts went beyond the scope of his Bill. Then as regarded the settlement of last year, he (Mr. Lowther) was not going to say that it was to be considered a final one; but he would say that the hon. Baronet had not made out any case for disturbing that settlement in a way which would only apply to Ireland. He objected to such piecemeal dealing with a particular subject, and thought it better than have three Acts dealing with the same subject, they should be all consolidated in a sense which would render the application of the combined Act universal throughout the United Kingdom. He hoped that when they did come to amend the Licensing Act, the measure would be framed in a considerate spirit, and made capable of universal application.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Callan.)

Question proposed, "That the word 'now' stand part of the Question."

LORD CLAUD HAMILTON supported the Bill. There was, he said, a growing feeling in favour of it throughout the county which he had represented for the last thirty-eight years, and his experience led him to believe that it would be acceptable to the working classes of Ireland. That feeling was evident from the number of Petitions presented in favour of the Bill signed by the clergy and laity of all denominations. They bore testimony that drunkenness was the curse of the Irish peasantry,—and that by preventing it, they would go far to alleviate the evils of Ireland. There was no question whatever, that the greater the facilities for obtaining drink, the more the prisons were filled. Anyone who doubted what would be the result of passing this measure, he would refer to the evidence taken before Mr. O'Reilly's Committee, where he would see how wide-spread had been the blessing attending the Christian and pa-

trictive efforts of one Roman Catholic Prelate, who had got the publicans within his diocese to close their houses upon the Sabbath day. Again, he would mention that in the first year after Forbes-Mackenzie's Act came into operation in Scotland, crime and outrage abated; and that in the City of Glasgow a vote of £12,000 for the enlargement of the prison, made by the municipality the year before, was declared unnecessary. It had, however, been stated that the closing of the public-houses drove the people into illicit houses, and that there was a great deal of clandestine drunkenness. So persistently had that been stated that a Royal Commission, presided over by Sir George Clerk, had been appointed to inquire into it, and their Report gave it a full contradiction.

MR. BRUEN said, the Bill proposed that there should be a total stoppage of the sale of intoxicating liquors on Sundays. Now, he did not deny the extreme value to society of checking intemperance, but there was some danger in attempting to do so—they would deprive some men of their fair and just rights. The human frame was so constituted that men got hungry and thirsty on Sundays as well as other days, and he therefore thought it extremely unfair to tell the labouring man who took one glass of beer upon Sunday, that he would no longer be permitted to do so because his neighbour took ten. Again, under this Bill a *bond fide* traveller was defined to be a man five miles away from home. Now that was too short a distance where they had a railway, and it was too long a distance where a man was making a journey on foot. The effect of it in Dublin would be to turn all the Sunday drunkenness of that city loose upon Kingstown, which was more than five miles distant. He could not deny the great evils that arose in Ireland from habits of intemperance, particularly as regarded Sunday drinking; but he did not think that such an extreme measure as that proposed was necessary to meet those evils, whilst it was likely to interfere with the convenience and legitimate wants of many persons. They ought, if possible, to prevent the intemperance of those who indulged in excesses in such a way as not to interfere with the moderate and perhaps necessary use of certain refreshments to the thirsty or weary traveller. The great majority of people believed

that the moderate use of spirituous and fermented drinks was both healthful and beneficial, and it was an opinion founded upon common sense, and therefore he did not see the necessity for bringing in a Bill to prevent men supplying what was a natural want. If they wished to be consistent they would have to extend the prohibition to all classes of the community, and then they would have in Ireland an agitation as extreme as that which took place in this country some years ago on the occasion of Lord Robert Grosvenor's Bill. These were reasons which induced him to hesitate before giving his support to this Bill. As to the opinions of the working classes on the subject, he was bound to say that although he presented a Petition from a large number of his constituents last year in favour of the Bill he had not been asked to present one either for or against the measure in the present Session. Under such circumstances, he thought he was justified in supposing that his constituents were still favourable to the object of the Bill. He should therefore vote for the second reading, being willing to give the Bill a trial as an experiment, and believing that a large number of the working classes desired it. At the same time, in case it should prove to be inconvenient to a majority of the people, he reserved to himself the right to move for its repeal on some future occasion.

MR. PIM said, he advocated this measure in the interests of the large number of persons—men, women and children—who were employed in the public-houses in Ireland. He had obtained a Return last Session, which showed that there were in Ireland more than 18,000 houses licensed for the retail sale of spirits or beer, and he thought it was not too high an estimate if he assumed that the attendants and servants in these 18,000 houses were at least 50,000. These persons, many of whom were under 18 years of age, were employed in Dublin from 7 o'clock in the morning until 11 o'clock at night, during six days of the week, and from 2 o'clock to 9 o'clock on Sundays, making in all 103 hours of weekly toil, while factory hands worked for only 60 hours, and were now seeking a reduction to 54 hours a-week. Parliament had legislated as respected factories and mines and workshops, and he (Mr. Pim) thought

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that similar care ought to be given to the case of those who were employed in public-houses. These young men and young women and boys were kept for 103 hours in Dublin and other large towns, and for 95 hours in country places, serving out beer and whisky, and on their account he asked for at least one day in the week as a holiday—a day of rest from toil, of religious observance and of rational and healthful recreation. The employment might not be very laborious, but it was continuous, and the time occupied was long. They were, moreover, exposed to the handling, and sight, and smell of that which was a strong temptation, and their very fatigue increased the inducement to indulge in it. He would himself wish to go farther, and to prevent anyone under 21 years of age from being employed in a public-house for more than 10 hours on any day; but the closing of public-houses on Sundays would do something in this direction. The loss of the Sunday trade would have important compensations for the owners of public-houses. They would save the Sunday expenses, which were considerable, and they and their families would enjoy a weekly holiday, which many of them never had now. He knew that many of the most respectable vintners would gladly close their shops on Sundays, if their neighbours in the same trade would close their shops also; but while others kept open they thought they must do the same or that they would lose their week-day customers. In the year 1867 he had presented a Petition to the House signed by 285 spirit grocers and vintners, praying for the closing of public-houses on Sundays, and he had no doubt that very many others would support closing on Sundays but that they feared that illicit trade would be carried on, and that drink would be sold notwithstanding the legal prohibition. No doubt it was impossible wholly to prevent the illicit sale of strong drink. Our laws and punishments did not wholly prevent robbery and other crimes. But he thought the police ought to be able to secure the practical observance of the law, and the Act of last year had given them much greater facilities for doing so. If the shutting up of the public houses lessened drunkenness, the police would have more time to devote to this object.

For whose benefit, he would ask, were the public-houses to be kept open on Sundays? It was said to be for the benefit of the working classes; but if this were so, it was strange that there were no Petitions from the working classes against the present Bill. Almost all the Petitions forwarded to the House were in its favour. He maintained that the working classes in Ireland were favourable to Sunday closing; and he would refer to one fact in proof of his assertion. In the spring of last year a meeting was held in the City of Dublin—he was not sure whether in favour of the Permissive Bill or of Sunday closing—at which a person presented himself, claiming to speak for the artizans and tradesmen of Dublin, and stating that it would be unfair to them to close the public-houses on Sunday. The result of the declaration so made was that a meeting of the artizans and working men was held in the large room at the Mechanics' Institute. He (Mr. Pim) was informed that the room was crowded—more than 1,000 persons being present, and the meeting very enthusiastic. The resolutions were almost unanimously adopted, and a Petition signed by the chairman was presented to this House, praying that the Bill for closing public-houses on Sunday might become law. This was the only meeting of working men which he was aware of having been called to express an opinion on the subject; but he challenged the opposers of the measure to get up such meetings in Dublin and elsewhere, and thus ascertain what the wishes of the working men really were. Let meetings of working men be held, not under the influence of those who were opposed to Sunday closing, nor of those who were its advocates, but meetings impartially conducted and free from constraint, and the decision of these meetings, whether for or against the proposed measure, would have great influence, and would go far to decide the course which ought to be pursued. There were difficulties in the way of closing public-houses on Sunday in England which did not exist in Ireland. In England, beer was an article of diet—it was consumed by almost every family at dinner; but it was not so in Ireland. Very few of the artizan class in Ireland used beer at their meals, and therefore they would not be inconvenienced in this respect by the public-houses being closed on Sundays. The

trade was a dangerous one for all who were concerned in it. It exposed them to a great, a most seductive temptation, and many fell victims to it. The long hours and continuous work increased the danger. He would appeal to the owners of public-houses themselves whether this was not true. Would any man in the trade bring up his children as attendants in a public-house, if he could possibly avoid it? If the trade must be carried on, we ought to try to reduce its danger to a minimum. He believed it would be a great blessing to those engaged in the trade, as well as to their families and servants, to get at least one day in the week free. He would be glad if it were possible to prevent any young persons from being employed in a public-house. Men might withstand the temptation, even with the constant sight and smell and taste, but it must act fearfully on the young. Pass this Bill, give them one day of freedom in each week—one day for innocent and healthful enjoyment in common with the other classes of the community, and they would have done something to strengthen them against the temptations of the other six. He was convinced that the proposed measure was fully justified by public opinion in Ireland, and he had no doubt that if it could be submitted to an Irish Parliament it would be adopted without much hesitation. He should therefore give his cordial support to the second reading.

THE MARQUESS OF HARTINGTON said, there was one argument used by the hon. Baronet who moved the second reading, and repeated by the hon. Gentleman who had just sat down, against which he must enter his humble protest. Both hon. Gentlemen referred to the circumstance that a great number of Petitions had been presented in favour of the Bill, while none were sent in against it; and they alleged that that was a conclusive proof that the people of Ireland were in its favour. Now, so far as the Petitions in its favour went he had nothing to say; but he must protest against the conclusion arrived at that because no Petitions were sent in against it, the people of Ireland were in favour of a measure of this description. For his own part, he was personally opposed to legislation like that, and against being put down as a supporter of such restrictive regulations. Whenever the people

of Ireland saw there was a probability of a Bill of the kind becoming law, then he had no doubt they would exhibit their feelings in a manner not to be mistaken. The fact was, that in conjunction with the people of England, the Irish nation were very careful in seeing that the privileges they already possessed should not be interfered with or curtailed, but, however, they could not always be petitioning in favour of what they had already obtained. It was not his intention to go into the arguments for or against the Bill, for he could add nothing to them; but he must object to the suggestion thrown out by the hon. Member for Carlow (Mr. Bruen). The hon. Gentleman said that it was meant as an experiment; but that was not the way to deal with important interests that would be seriously affected by its provisions. They ought to make up their minds as to what was right, and if Parliament thought the people of Ireland were in favour of some such measure, it would no doubt adopt the same course it did in the case of Scotland. In that case, it was represented that great advantage followed the adoption of the Forbes-Mackenzie Act as regarded that country; but he was informed that great differences of opinion existed as to the working of that Act in Scotland. Although the majority of Scotch Members in the House were in its favour, there was, he repeated, a great difference of opinion even among Scotchmen themselves, as to whether it promoted the cause of morality and sobriety. The circumstances of the two countries were, however, extremely different, for it was not the custom in Ireland to observe the Sunday with that degree of strictness with which it was kept by the Scotch people, who were Presbyterians; and he was by no means satisfied that any attempt to enforce the closing of public-houses on Sunday would be received in Ireland with anything like that unanimity which should justify the House in adopting such a measure. Moreover, that was not the time to proceed with the trial of another experiment of that nature. If it were to be done at all, it ought to have been proposed when the Government introduced a Bill dealing with the whole system of licensing. The opinions of the Government were clearly expressed; the Bill was debated fully in the House, and it was not then considered

that public opinion in Ireland was in favour of prohibiting the sale of liquors on Sundays. If the House on that occasion differed from the promoters of the Bill, they ought to have said so. The opinion of the House was not that public-houses should be closed on Sundays, but that the hours of sale should be more restricted on Sundays than on other days both in England and in Ireland. Under that Act the trade had been regulated; much more severe penalties had been enacted for every violation of the licensing laws; the hours of sale were restricted, and the distinction between Sundays and other days of the week was rendered more marked by shortening the hours of sale on Sundays, and if the subject was again to be opened up, it must necessarily be attended with very serious evils. He knew there were hon. Members in that House who looked upon publicans as enemies of the human race, to be crushed and put down as soon as possible. He for one did not look upon them in any such light. They were a respectable class of tradesmen who supplied one of the necessities of the community; whose business that House had a right to regulate in the interests of law and order; but, giving their trade the sanction of that law, they were not at liberty to interfere with them by continual attacks like the proposing of a Bill of this description. He believed that such a course went far to justify them in assuming the aggressive attitude they had assumed. The House must be aware that their character and respectability was a matter of great public interest, and they ought not to be continually exposed to attacks on their trade and the large vested interests which were involved in it. On the part of the Government, therefore, he could not give his sanction to this Bill. His own opinion was entirely adverse to such legislation as class legislation, and as a most unnecessary interference with trade, and especially one in which a large capital was vested. If it were the prevailing opinion that public-houses should be closed on Sundays, the duty of the Legislature would be clear and distinct, and such a course ought to have been insisted upon last Session when the Licensing Bill was before the House; but until that time came and a stronger feeling prevailed in its favour than now existed, he should, on the part of the

Government, give his vote against such a proceeding.

SIR FREDERICK W. HEYGATE differed entirely from the conclusions arrived at by the noble Lord the Chief Secretary for Ireland. He knew that in his own district in the North of Ireland the strongest possible feeling existed in favour of closing public-houses on Sundays, and in that part of the country, the people of whatever religious denomination joined in strongly advocating every possible restriction on the consumption of spirituous liquors and the temptation to indulge in them. He did not see why something like the Forbes-Mackenzie Act should not be applied to Ireland. As an Englishman, however, he thought it was impossible to enact such a law for England, the tastes and habits of the people being so different. It must be remembered that in England beer was what might be generally termed the national beverage, but in Ireland spirits were generally drunk, and he need hardly say that in many cases, the worst consequences followed, even among otherwise well-conducted persons. No one could be better adapted for bringing forward such a Bill than the hon. Gentleman who moved the second reading, inasmuch as, belonging to the medical profession, he knew the fatal effects produced by the consumption of intoxicating liquors. Perhaps the best result of the present debate might be that some measure of a tentative nature would be introduced. The Committee of 1868 suggested a reduction of the hours during which public-houses should be permitted to remain open on Sundays, and he thought it would be well to carry out their recommendations. To close public-houses entirely was a serious step to take, as it would certainly lead to great agitation, and would have to be followed a year or so later by the modification or the repeal of the Act by which the change had been effected. He did not wish to detain the House with longer observations on the subject, which involved important questions of a philosophical nature. He was as anxious as were any of the advocates of the Bill, but he hoped his advice would be taken. If the Motion went to a division, he should support the second reading, but only in the hope that the measure would eventually take a purely remedial form.

MR. SERJEANT SHERLOCK observed that the hon. Baronet who had just spoken founded his argument on the fact that beer was the common drink in England, while whisky was the common drink in Ireland; but the Act prohibited also the sale of beer in Ireland within the specified limits. In his opinion, legislation against the drunkard, and not against the victualler, should be the principle upon which Parliament should act. He was opposed to all coercive legislation to enforce abstinence, for if they proceeded upon that ground with what consistency could they allow their clubs to remain open? In Switzerland it was against the drunkard that they legislated; and he had seen in a tavern in that country a notice that a particular individual, therein named, was not to be served for two years, under penalties which, for a third offence, involved imprisonment. It was true that in some districts of Ireland public-houses were closed on Sundays in consequence of the influence exerted by the clergy, and there could be no objection to such a proceeding, because it was perfectly voluntary; but he was unwilling to bring about such a result by coercion, and therefore he should record his vote against the second reading of the Bill.

SIR HERVEY BRUCE said, he should certainly oppose the Bill unless he received the assurance that it would receive a considerable modification in Committee. He could see no reason why a man, because he happened to be poor, should not be entitled to the refreshment on a Sunday which he was accustomed to have on a week-day. He should only support the second reading of the Bill if that privilege were reserved to the poor man. As to clubs, they were very different from public-houses kept by persons whose interest it was to sell as much drink as they possibly could. In clubs, whether frequented by the rich or the poor, it was quite different, because there the interest of the persons concerned was that the place should be quietly and respectably conducted.

MR. J. MARTIN said, that in his opinion the people of Ireland were decidedly in favour of this Bill. He did not pretend to say what would be its fate in any English Parliament; but of this he was certain, that an Irish Parliament sitting at College Green would undoubtedly give effect to the public wishes

by passing it into law. It was, he thought, a good measure, and had his cordial support.

SIR PATRICK O'BRIEN said, that in the year 1856 he had been a Member of the Committee of the late Mr. Berkeley, when feeling ran high in this metropolis and when a Gentleman, then a Member of the House (Mr. Dundas), had stated that such expressions of opinion could best be arrested by the "trail of a six-pounder." At that time public opinion was against the then legislation, and he had in consequence supported Mr. Berkeley. It might appear strange that he should take a different course upon that occasion, but circumstances were changed. Now, however it arose, he had no expression of opinion from his constituents against this Bill, on the contrary, many Petitions were forwarded to him in its favour, many, strange to say, from spirit dealers. Under such circumstances he did not feel justified—no matter what was his own opinion—in going against the opinion thus expressed by a section of his constituents, and finding no movement on the opposite side, he therefore should not vote on that occasion.

MR. M'CARTHY DOWNING said, he was a promoter of the Permissive Bill, but nevertheless deemed it his duty to vote against the present measure. In the course of the debate on the Licensing Act a proposal was made to give two-thirds of the magistrates power to close public-houses on Sundays, but only 25 hon. Members voted in favour of it. If all the clergy of the different denominations were united in the desire to carry out the object of this Bill they could easily do so without any legislation whatever. That had actually been done by an Irish Prelate in the county of Tipperary, through his own individual exertions, and what had been done there might be done elsewhere. It was, however, found that that did not prevent drinking, and the small number of publicans who had taken six-day licences showed that the trade was not in favour of Sunday closing. He was entirely opposed to the principle of the Bill.

He thought it a cruel thing to attempt to harass persons in a humble sphere with restrictions that could not affect those who were well off. How was the publican to know whether a man was five miles from his home; and what sort of evidence was to be deemed sufficient to

satisfy him? And if a man were to be allowed a glass of beer or of spirits after walking five miles, could it be refused to one who had walked only four and a half? Persons coming from their places of worship in the mountains should certainly be allowed that privilege; and he hoped the hon. Member for Dublin would see the matter in the same light. He contended that Irishmen drank much less than Scotchmen or Englishmen, and denied that there was anything like unanimity of opinion in Ireland in favour of the Bill.

COLONEL STUART KNOX said, he took great interest in the success of the measure, and therefore could not but express his regret at the slight interest taken in the matter by the Members of Her Majesty's Government. He was sorry to hear the speech of the noble Lord the Chief Secretary, the more so as the noble Marquess's share in the Government of Ireland during the last three years had given great satisfaction. Fenians, Home Rulers, and other rebels assembled in public-houses on Sundays to plot against the country, and that was a reason why the Home Secretary and the noble Marquess should have urged on the House the importance of passing the Bill.

MR. WHEELHOUSE said, that was not a question affecting Ireland only; but even if it were, he denied that there was any such unanimity in Ireland on this subject as had been represented. Many of, indeed, nearly all, the magistrates or persons exercising jurisdiction in the larger towns and centres of Ireland, who were examined before the Committee, stated that it would be a bad thing if public-houses were wholly closed on Sundays. It was unfair to the publicans of both countries to assume that they desired to carry on their business—subject of course to their own reasonable profits—from any other motive than that of affording a legitimate public convenience. It was all very well to say that the cases of public-houses and of clubs were entirely different; but no view that could be held on that point could justify the proposition contained in the Bill. He could not see how they could legislate for particular individuals by depriving others, who committed no offence, of what was their right. The principle of the Bill was applicable not only to Ireland, but to

England also; and he believed that it would be a bad thing absolutely to close all public-houses on Sundays, because it would be monstrously unfair to do so, as it would work much hardship in individual cases. How often, for instance, did it happen—as the hon. Member for Dublin must know full well—that spirits were wanted on Sundays for medical purposes; and had he no regard for what might happen when, by the legislation he proposed, it would be denied? He should oppose the Bill.

SIR DOMINIC CORRIGAN, in reply, said, he had no desire to stand by the traveller's clause or by the limit of five miles; but to leave those and other details to be determined by the Committee, preserving, however, the principle of the Bill as one for closing on Sundays...

Question put.

The House divided:—Ayes 83; Noes 140: Majority 57.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

#### MUNICIPAL BOROUGHS EXTENSION BILL—[BILL 48].

(*Mr. Henry Samuelson, Mr. Wykeham Martin,  
Mr. Staveley Hill.*)

#### SECOND READING.

Order for Second Reading read.

MR. HENRY SAMUELSON said, that at the present period of the Session it was quite impossible to go on with the Bill with any chance of success. He had, however, reason to hope from a statement made to the House by the Secretary to the Local Government Board during the debate on the question of appointing the Select Committee on Boundaries, that the Government were in favour of the principle of the measure, and he hoped that they would bring in a Bill embodying the main principle of his Bill. If not he should certainly re-introduce his Bill next Session. He therefore moved that the Order be discharged.

Motion made, and Question proposed, "That the said Order be discharged."—(*Mr. Henry Samuelson.*)

MR. GOLDNEY wished to know, before the Motion was agreed to, whether the Government agreed in the principle of the Bill, which might be introduced again next Session.

MR. BRUCE said, he had not had an opportunity of consulting his right hon. Friend the President of the Local Government Board (Mr. Stansfeld) on the subject, but he might say that, although the question was deserving of attention, the details of the present Bill were faulty, and if it went to a division it would be his duty to vote against the second reading. What the Bill proposed to do, must be done in a different way.

MR. ASSHETON CROSS, under the circumstances, objected to the Motion for the discharge of the Order, until the House had an opportunity of discussing and expressing an opinion on its principle. They ought to have some formal statement of the views of the Government on the subject.

MR. R. N. FOWLER moved that in the absence of the President of the Local Government Board, the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Robert Fowler.)

MR. RAIKES regretted that the right hon. Gentleman the President of the Local Government Board was not in his place, to state whether the principle of the Bill was to become that of the Government measure.

MR. SAMUELSON said, that the statement that the Government would consider the question with a view to legislation arose upon discussion of an Amendment moved by him, that the boundaries of Municipal Boroughs should be considered in the Committee on Boundaries. He could not help thinking that hon. Members on the Opposition Benches found it convenient to discuss the withdrawal of his hon. Relative's modest little Bill in order to prevent the Burials Bill from coming on.

SIR MICHAEL HICKS-BEACH, in reply, said, that it might with quite as much reason be said that the Bill was being withdrawn unexpectedly, and without Notice, in order that the Burials Bill might come on. The present measure was brought in at an early period of the Session, and then, when an opportunity was afforded for discussing the

Bill and justifying it, the hon. Member proposed its withdrawal.

MR. HENRY SAMUELSON said, that he failed to understand the utility of occupying the time of the House by a discussion of the details of a Bill which there was no chance of passing so late in the Session. He had put the Bill on the Paper for second reading on a Wednesday in the middle of the Session, and had not the House been adjourned over that day in consequence of the Ministerial resignation he would have been quite prepared to discuss and justify the measure. He did not assert that the Secretary to the Local Government Board had promised to legislate in the spirit of the Bill, but that he had expressed his approval of some such method of relieving municipal boroughs from expense in procuring an extension of their boundaries. He would introduce the Bill next Session.

SIR FRANCOIS GOLDSMID said, he did not concur in the Bill, but could not join in the unusual course of refusing to allow the Order to be discharged.

Motion agreed to.

Motion made, and Question put, "That the Debate be adjourned till this day three months."—(Mr. Henry Samuelson.)

The House divided:—Ayes 185; Noes 91: Majority 94.

**BURIALS BILL. [BILL 9].**  
(*Mr. Osborne Morgan, Lord Edmond Fitzmaurice,  
Mr. Hadfield, Mr. M'Arthur.*)  
COMMITTEE.

Order for Committee read.

MR. OSBORNE MORGAN, in moving that Mr. Speaker do now leave the Chair, in order that the House might go into Committee on the Bill said, that but for the extraordinary and unprecedented course which had been taken in regard to it, he would have contented himself by merely raising his hat when the Order was read. He found himself confronted by two hostile Amendments which had been put on the Paper by the hon. Member for the University of Cambridge (Mr. Beresford Hope) and the hon. and learned Member for Chester (Mr. Raikes). He, however, knew the hon. Member for the University of Cambridge too well. If he once got on his legs to deal with a subject of the kind, no human power would ever bring him down before the

time fixed by the rules of the House for closing the debate. Having no wish that the hon. Member should have the whole of the talking that day, he hoped the House would hear him for a few minutes. He desired to explain that as a private Member, he had found it impossible under the rules of the House to bring on his measure on an earlier day, and that he had applied to the Government to help him. Wednesday had been all along his only day. The House had sat 15 Wednesdays, and on those occasions had had 104 Bills to deal with, giving an average of 47 minutes to each Bill. A glance at those figures would show how impossible it had been for him to get on faster. First let him say a word as to the Amendment of the hon. and learned Member for Chester, who desired fuller information on the subject before the passing of a Bill like the present. His thirsty soul yearned for more knowledge and more light; but it so happened the House was in possession of information fuller and more accurate than any ever placed before it in preceding Sessions; while with regard to the one placed on the Paper by his hon. Friend the Member for Cambridge, it had had the effect of preventing his bringing on the Bill, because the Government had been unable to afford him any assistance in the matter. A House of upwards of 500 Members—the fullest that had ever divided on a private Member's Bill—had, after a long and eloquent speech against the measure from the Leader of the Opposition, resolved by a majority of 63 to read the Bill a second time. Did the hon. Member think that his ingenuity and his eloquence would prevail where the ingenuity and eloquence of the right hon. Gentleman had failed? The right hon. Gentleman the Member for Buckinghamshire was very different in opposition from what he was in power, and when in office he might come to consider the Burials Bill was even a Conservative measure. The object of the hon. Member was evidently to gain time, thinking that that being the last Session of the present Parliament, it would be a gain to his cause to put it off until another Parliament should have been elected. and that strong Ecclesiastical spirit by which, according to the Leader of the Opposition, the artizan classes were penetrated, had had time to come into play. Well, he could assure the hon. Member

that the supporters of the measure could afford to wait, though it was desirable in the interests of humanity that the question should be settled once and for ever. But delay which was irksome to them was fatal to their opponents. Every debate on this Bill was another nail knocked into the coffin of the Church of England. It would be truly said that a Church which held that Nonconformists should take their choice between being buried like a Churchman and being buried like a dog was no true national Church. He wished his hon. Friend opposite to learn that if the Church of England—which after all was but a creature of compromise—was to be saved at all, it would be saved by timely concessions, and that the most sweeping revolutions were those which were brought about by obstructing moderate reforms.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Osborne Morgan.)

MR. PELL believed that, as time went on and that question was better understood, that Bill met with less and less acceptance from the country, and it was moreover quite impossible that it could be properly discussed at that period of the Session. He agreed with the hon. and learned Gentleman opposite the Member for Denbighshire (Mr. Osborne Morgan), that the question should be settled once and for ever, though not exactly in the way the hon. Gentleman himself proposed; but in the way desired by those persons who wished to see peace and quietness reign among the inhabitants of our country villages. Since the debate on the Bill would only be of a perfunctory character he moved that the Order be discharged.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the said Order be discharged,"—(Mr. Pell,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BERESFORD HOPE : Mr. Speaker, I acknowledge the compliment of my hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan) in saying that when once I am on my legs no power on earth can get me

down again. If, however, he thinks that by that sort of indirect compliment he will lead me either to lengthen or to shorten my remarks, he is mistaken. The question of the Burials Bill has, even since the 26th of March—to which my hon. and learned Friend has referred—vitally changed its character. Still more has it gone through many phases from the first time that my hon. and learned Friend obtained a Select Committee upon his original measure in one of the earliest Sessions of this Parliament. At that date the question was in its romantic or Idyllic stage. It professed to relate to a simple isolated grievance, the removal of which, so we were told, was desired by the kindness of the Nonconformists as a means of strengthening the Established Church of England. It is in the recollection of both sides of the House, that the hon. Gentleman for Bristol (Mr. Morley), to whom we may look as the representative of the more moderate and tolerant section of Nonconformity, said that if the removal of this grievance, as he deemed it, were granted, and if the University tests were repealed, Dissenters, as such, would no longer have any grievance left. Well, Sir, University tests have been repealed, so that the only grievance which now remains, according to the statement of the hon. Member for Bristol, is this of dissenters' burials. Now, let me take the words of my hon. and learned Friend. He has argued that these pieces of ground are not properly churchyards but graveyards, and he said that they were the property of the parish, and that every parishioner had a right to be buried in them. Without entering into the verbal controversy, I most cordially agree with his second statement. It is the right of every parishioner to seek burial in these yards, and those on this side of the House who think that this Bill is superfluous, were, nevertheless, prepared during the last Session to support a measure which came down to us from "another place," reaffirming the common-law right of all persons to be buried in the parish graveyard, and, further, giving facilities to those who desired to be buried in some peculiar, sectarian, or exclusive manner, to obtain possession of graveyards, in which they could lie free from the contamination of having the bodies of Churchmen for their neighbours. I be-

lieve that on this very evening my hon. and learned Friend will carry through Amendments originated in that "other place," giving effect to the last named remedy. So of the two grievances, then, one has by the voice of Parliament been remedied, and as to the other, if it does exist in face of the Bill so soon to become law, and in face of the common-law right of parishioners, which no statute, I believe, can make really stronger, we are prepared to meet all reasonable claims on the part of our Nonconforming brethren. So much as to the ostensible state of the case in reference to the shape in which it was presented to the Select Committee; but what is the aspect of the matter now? My hon. and learned Friend has great experience in addressing mixed audiences; but with all his ingenuous ability, can he argue that the question stands now in the same position as that in which he himself put it when he brought in the Bill this Session? Still more does it stand in the position the hon. Member for Bristol placed it in that former year. He cannot say that it does. He knows as well as any of us that since that time the whole question of the Church of England Establishment has passed from the platform and the lecture-room, and has become a matter on which parties in this House have been formally asked to vote. The disestablishment question having come to the fore, and been taken up by a certain section of the House as the burning question of the day, it is impossible for us to disentangle this so-called grievance from that transcendent issue. It has, even ostentatiously, become a part of the question of disestablishment. We all know that the Liberation Society is the authorized mouthpiece of the disestablishment party. And what said the Liberation Society on the subject of Church property before the period of Irish disestablishment? I claim particular attention to the passage which I am about to cite, and to its date. Before the Irish crisis, the Liberation Society had put forward its "platform," and in that I find these words—

"The application to secular uses, after an equitable satisfaction of existing interests of all national property, now held in trust by the United Church of England and Ireland, the Presbyterian Church of Scotland, and concurrently with it the liberation of those Churches from all State control."

You will observe, Sir, "the application to secular uses . . . . of all national property"—national property, without doubt, being intended to include not only tithes and other endowments, but the churches and the churchyards of the Established Church, which we contend are the private property of the Church of England, as Church of England; but which, the hon. Mover contends, are national property. Now, by the Irish Church Act, while life interests only were regarded so far as its monied property was concerned, the buildings and the churchyards were allowed to remain the individual property of the community which had hitherto had the use of them for the purposes of worship and of burial. That is the principle which was sanctioned by the Irish Church Act, and the hon. and learned Member for Denbighshire is too good a lawyer not to agree with me upon the value of the precedent as to the use of these buildings and grounds remaining in the hands of the body to whom it had heretofore belonged, instead of a concurrent user being created on the part of other denominations. Well, the Liberation party—which has now become the disestablishment party—encouraged by the success of Irish disestablishment, to make a similar raid upon the Church of England, but anxious, at the same time, if it carried its point in England, that it should be carried on terms more unfavourable to the English Church than to its Irish compeer, has constructed reasons why the churchyards, if not the churches, should be removed out of the category of property which might rightfully remain in the hands of the body who now use them, and should be treated in the words of the programme of the Liberation Society as "national property." Under these circumstances, and whether we like it or not, the question has assumed a totally different position by the movement of the disestablishment party on one side, and by the precedent of the disestablishment of the Irish Church on the other. But there is another contingency which has occurred previously to Irish disestablishment, but which must be taken into consideration as immediately affecting the question. I refer to the abolition of the compulsion of church rates, and the transformation of the church rate from a tax recoverable by legal process to a mere free-will offering of the

congregations. The church-rate having been thus changed into a free-will offering, the maintenance of the parish churchyard fell to the share of those who cared for it; but, at the same time, the common-law right of every resident parishioner to be buried in it remains just where it was before. For the sake of peace, Churchmen held out the olive-branch to their Nonconformist fellow-citizens by abandoning the compulsory church rate; but, whilst they did so, was any single whisper raised in favour of making the churchyards more exclusive than they were? Was it ever proposed to shut out any man from burial in a churchyard who, as a parishioner, had a right to be interred there? Quite the contrary. In short, the surrender of the compulsory church rate, viewed by the light of fact, and not by the glare of party, was not only the surrender of a claim, but the positive gift of valuable and pre-existent property made in the interests of peace. Churchmen voluntarily took upon themselves to maintain the ground for the joint use of their Nonconformist brethren and themselves, although previously they had a right to call upon those brethren to bear their share of the cost in what was an equal benefit to them; but throughout all the agitation which this burial question has occasioned, and in all the debates which have taken place in this House respecting it, one thing that has struck me as singular is that I have never seen any suggestion on the part of those who are most zealous in their support of my hon. and learned Friend to take upon themselves any portion of the burthen which they shuffled off, and which we willingly consented to their shuffling off in the cause of peace a few years ago when church rates ceased to be compulsory.

MR. OSBORNE MORGAN: In my first Bill I introduced a clause throwing the maintenance of the churchyard upon the parish, and my hon. Friend (Mr. Beresford Hope) was instrumental in having it rejected in the Select Committee.

MR. BERESFORD HOPE: I accept my hon. and learned Friend's reminder. The fact is, that he is too good for the party he leads. No doubt, it was his natural instinct of equity which led him to make the proposal, but to that proposal I felt objections which I am not ashamed of. If we had ac-

cepted it, we should have thrown away our property in the churchyards. We should have seen them, theoretically, slip through our fingers, in case the question of disestablishment ever becomes more than the means of giving us occasional exercise in the lobbies. In that suggestion my hon. and learned Friend judged wisely for those on whose part he was acting, and who, I must observe, have never shown the least inclination to renew the offer. But it also showed the wisdom of Churchmen in rejecting, at an earlier date, the various compromises by which it was once proposed to settle the church rate question by compulsorily rating all the parishioners for the maintenance of the fabric and the ground, and leaving the expenses of worship to be defrayed by voluntary contributions. If a fabric rate had been conceded, or if the clause, of which my hon. and learned Friend once advocated, should ever form part of a settlement, there could be no doubt that the Nonconformist body would have established a reasonable ground for their claims.

But what is the grievance after all? We are all of one mind that every parishioner has a common-law right to be buried in the churchyard of his parish, with a form of words or with no form of words; and the grievance is that, if a form of words is used, it is to be a specified form, and is to be used by a specified man—namely, the parish minister or the chaplain of the cemetery. Well, if there be any grievance in this, it is one that equally affects Churchmen and Nonconformists. If the words contained in the Burial Service of the Church of England were such as could irritate the conscience or pain the feelings of any man, then you would have a grievance; but I do not understand that it is alleged by the most virulent opponents of the present state of things, that there is any conscientious objection to that service. Quite the contrary. It is generally admitted to be a beautiful and scriptural form of words. Then, where is your grievance, I ask? It is simply this—that at a burial taking place in the churchyard, one form of words, and one only, has to be used, and that the persons who use that form of words must be one particular set of officers of the Church of England. Let us take the case of

a member of the Church of England who happens to be of an ecstatic, an impulsive, or poetical turn of mind. He thinks that the appointed form of words is not sufficient to express his feelings at the interment of some much loved friend. He covets a funeral oration, or he might desire the cadences of some favourite hymn; or, perhaps, he belongs to a section of the Church which likes to give a more than usual emphasis to the ceremonial arrangements of the service, and would therefore wish to have the funeral service of the Church of England conducted with some unusual pomp and circumstance. That man after death, and his surviving sympathizers, have a grievance identical with that of the Nonconformist. It is as great, if not greater. He cannot be buried in the churchyard in the precise manner which he had directed on his death-bed, or in the way in which his friends, knowing his temperament, might after his death wish to arrange. This is the grievance, such as it is, of the unconventional Churchman not less than of the Dissenter—namely, that if any form of words be used, that form of words is prescribed according to a particular order, and must be recited by a particular man, and at his discretion in the accessories. I confess that I am totally unable to see any conscientious grievance wrapped up in this limitation. Of course, it is always most pleasant to do a thing in one's own way and in nobody else's. That is human nature. No doubt, for example, the forms of this House are often felt to be onerous by hon. Members, who would like, when the Mace is on the Table, to have the privilege of speaking as frequently as they may do when that Mace occupies a less conspicuous position; but their inability to do so can hardly be called a conscientious grievance. In the graveyard everything cannot be said which everyone wants to say, or in the way in which he wants to have it said. Good order and decency require that there should be a limit somewhere; some boundary and some restriction are indispensable; and, by going through one or two points in the clauses of this Bill, I think I shall be able to show that the present system does give the maximum of licence and liberty. The hon. Mover, in the exercise of his rights, spoke *ad invidiam*, and described a silent burial as "the burial

of a dog." A body is gravely, solemnly, and silently placed in the ground. Weeping and uncovered relatives and friends stand around, and gaze with the sadness that must naturally accompany such a ceremony upon the descending coffin. They have already assembled for prayer at the residence of their deceased brother, or in the place in which he formerly worshipped. If you call that the burial of a dog, I assert that you indulge in a licence of speech which no one in this House could with any self-respect attempt to justify. We know that, among Roman Catholics, that form of burial to which my hon. and learned Friend has applied that contumelious expression is the rule. The depositing of the body in the grave with a form of service is a very old and peculiar English custom, that existed long before the Reformation, and so we have inherited it; but in modern churches in communion with the Church of Rome the contrary custom of the Continent has prevailed, and it is now the characteristic practice of Romanists to perform the religious service at the church to which the body is borne, while all that ever occurs at the grave is the occasional utterance of a funeral oration of a secular description. On the other hand, among the Scottish Presbyterians the religious exercises occur at the house of the deceased, and the interment is a silent act. Therefore if putting the body silently into the ground is the burial of a dog, then the burials of those wide sections of Christendom which continue in the communion of the Romish See, or which adhere to the Westminster Confession, are all burials of dogs. I am sure that the hon. and learned Member for Denbighshire will not stand by so monstrous an assertion.

Let me now give a view of the question from another side, and call upon my hon. and learned Friend, if he can, to justify that view. Here is a statement of the present system of burials which has been sent forth by a gentleman of great authority and well-earned eminence, whose name I will give when I have read his opinion. This gentleman says—

"Is the priest, with his one communicant"—whatever that means—"for ever to be quartered upon us as an ecclesiastical dragoon, and for his insult to be fed with tithes and offerings? If there be justice amongst our statesmen—"

And I call the particular attention of

*Mr. Beresford Hope*

Gentlemen on the Treasury bench to this—

"they cannot allow such wrong to be perpetual. Since there is justice with the Most High He will not suffer them to go unpunished."

I must apologize to the House for reading the words that follow. I would not do so, indeed, if they came from an obscure writer; but the name of the writer will be my justification for reading these words, which I assure the House fall unwillingly from my lips—

"To the Eternal God the Nonconformists appeal against the tyranny of that Popish Church which now lords it over us. O Lord, how long! How long!"

That is another view of the case; and that is signed with the initials "C. H. S." They are the words of Mr. Spurgeon, and I take them from a publication of his called *The Sword and Trowel*, of April, 1872. Well, this inflated language—which I dare not characterize as I should wish—comes from a man who, of all others, I suppose may be regarded as the representative minister of the religion of the party for whom this Bill is intended; from a man who has collected and holds together and rules the largest and most enthusiastic Nonconformist congregation in London or in all the country. And this man, this Mr. Spurgeon, dares to use the great influence of his eloquence, his labours and his work, to put forward a charge like that; to arraign the Eternal Wisdom and Justice—aye, and to denounce the Eternal himself as unjust if He does not punish—what? The Church of England, for having in every parish in the land a man of God to counsel the simple, to preach to the broken-hearted, and to perform the offices of religion in the Church and the churchyard. These are the words of Mr. Spurgeon recently used, and I could have quoted many strong expressions which were indulged in some 20 or 30 years ago by the hon. Member for Bradford (Mr. Miall) and other well-known individuals before they had seats in this House; but I will not revert to them. I quote words which were used only last year—several years after this Burial Bill was brought before the House—as they express the feeling at present entertained by a Nonconformist minister of vast influence who has made himself prominent in the ecclesiastico-political arena among the teachers and preachers of disestablish-

ment. The presence of the minister of the parish to perform the burial service is "an insult." It is an "insult" that he should be "fed with tithes and offerings." Does Mr. Spurgeon know what he means? Tithes he may object to, because they are a debt due by the law of the land; but an "offering" I have always thought was a free-will gift. So that actually the Almighty is called upon to pour out his vengeance on a person because Christians out of good will are pleased to make offerings to sustain their own pastor! Again, what is the thunder storm which is gathering in the political atmosphere now? It is the rage of the political Nonconformist body at being called upon to recognize the rights of conscience on the part of the poorest of men when that poorest of men is required to invoke the aid of his richer neighbours in procuring education for his children. Then the rights of conscience are to be as nothing when the power of tyrannizing over a man who is too poor to resist is placed in the hands of the clique who howl at Liberation meetings, and who conspire in the committee rooms of the League.

There is I again most confidently assert no grievance to the conscience since the repeal of the compulsory church rate in calling upon the Churchman out of his own pocket to pay for the maintenance of the churchyard; there is no grievance to the conscience in calling upon us Churchmen to put our hands into our pockets and go on sustaining our graveyards, in order to restrain your Mr. Spurgeons, or whoever else it may be, who use such inflated and almost blasphemous language from entering there, and under the pretence of making extemporeaneous prayer, denouncing the worship of the great majority of his countrymen, and almost arraigning the wisdom of the Almighty. My hon. and learned Friend, early in this Session, said that he had made a great concession to Churchmen by adopting some words which are the only difference between the Bill of this year and that of last year, and which were suggested by an hon. Friend of mine in this House (Mr. J. G. Talbot). My hon. Friend is one with whom I generally agree; but even he is not infallible, and I must point out to him that his words, which were suggested with the best intentions, and have been adopted by my hon. and

learned Friend, are very much the reverse of that palliative which they were intended to be. They occur in the 4th clause of the Bill—

"At any burial under this Act any person or persons who shall be thereunto invited, or be authorized by the person or persons having the charge of or being responsible for such burial, may take part in any service or other religious act thereat: Provided always, that no person shall officiate at any such religious service who is not a minister or member of some religious body or congregation, having a registered place for public worship: Provided also, that any service, if not according to a published ritual, shall consist only of prayers, hymns, or extracts from Holy Scripture."

When we do get into Committee on the Bill—which we shall not this year—but, speaking hypothetically, when we do get into Committee—I shall call upon the hon. and learned Member for Denbighshire to explain, what he will not be able to do, the difference between taking part in a service and officiating in a service. Surely a man who takes part in a service must open his mouth and utter audible sounds of some kind or other, and that is very like officiating. But I come now to the Proviso, which is in these words—

"Provided always, that any service, if not according to a published ritual, shall consist only of prayers, hymns, or extracts from the Holy Scriptures."

Very well; and in a preceding clause it is laid down that in the summer months these funerals shall be between the hours of 10 and 6, and in the winter months between 10 and 3. Now the names of sects are Legion. There is a sect called the "Particular People." There are sects of Positivists, Bible Christians, Negative religionists, and others constantly turning up. In short, the meaning of the term "religious bodies" is simply bodies who have taken out a licence to meet together and to perform some common act of mutual agreement in faith or scepticism in some particular place, while the provision in the 5th clause "no service, nor any part thereof under this Act, shall be other than of a religious character," is equally futile from the non-existence of any definitions of religions in which all can agree. The first thing to do at a burial is, as the French minister lately told the Assembly, to get your body. The funeral has then to be announced according to certain provisions contained in the Bill;

but there is not a word in it to say that only one person shall officiate at any one funeral, or that it shall be a man rather than a woman. In fact, any number of both sexes may officiate. Now, let us take some sect—say the Positivists—who already possess chapels so-called in London, and I believe elsewhere. Some one belonging to that body, or to some other extreme knot of thinkers, dies, and a list is sent to the incumbent of the parish of certain ministers or members of that community who will take part in the funeral. They have no published ritual. And so what happens? The body of the deceased person reaches the tomb, and seven or eight gentlemen or ladies appear there, every one of them prepared to take his or her part in the funeral. The service must consist only of prayers, hymns, or extracts from Holy Scripture. Well, we all know what the power of prayer is. We know how much may be pressed into a prayer. There may be a minatory prayer. There may be a prayer which denounces the Almighty, as Mr. Spurgeon did in the extract which I have read, if He does not act on the eternal laws which Mr. Spurgeon lays down for His guidance and direction. There may be also the compassionate prayer—

**LORD EDMOND FITZMAURICE:** Sir, I rise to Order. The question before the House, I apprehend, is the Motion for going into Committee on the Burials Bill.

**MR. SPEAKER** ruled that the hon. Member for the University of Cambridge was in Order, and that what he was saying was relevant to the matter in debate.

**MR. BERESFORD HOPE:** Being permitted by you, Sir, I shall continue my observations. I was engaged, when interrupted by the noble Lord, in analyzing a clause of this Bill, and showing how it was likely to work. The word "prayer" is a word which actually occurs in that clause; and I was pointing out that there may be a minatory prayer, a denunciatory prayer, and a compassionate prayer. A prayer of this last description would be one that the poor sinner, who so unworthily fills the pulpit of the adjacent church, and feeds his benighted flock with husks, may be brought to see the error of his ways, or that his partner in life, and daughters,

may no longer set the bad example to the parish of flaunting in ungodly ribbons and silks on the Sabbath day. Then there may be a prayer that Her Majesty's Ministers may see how they are vexing the souls of the righteous by an Education or Endowed Schools Bill, or by voting against some measure proposed by the hon. Member for Bradford, or perhaps, by giving to their Nonconformist supporters that lukewarm support of which my hon. and learned Friend has so pathetically complained this evening, with regard to the present Bill. There may be many things, then, wrapped up in a prayer. But one prayer may not be deemed sufficient. Look how the service may be protracted, when there is no question of time involved, or rather, when the sitting is not from 12 until a quarter to 6, but from 10 to 6, as laid down in the Bill. Number one stands up, rails at the clergyman's doctrine, and prays for his enlightenment; number two prays at the rev. gentleman's wife and family; number three prays at the squire or the patron; number four prays at the Archbishops, Bishops, rural deans, and the Establishment generally; and others will come in their turn to attack Her Majesty's Ministers, the Opposition, and every institution in Church and State—the whole being cheerfully interspersed with extracts from Scripture and appropriate hymns. I believe that an eminent gentleman (Mr. Bradlaugh), who lately went upon a political mission to Spain, has published a hymnal which has had considerable circulation since attention was called to it in high literary quarters, and this little work may possibly be found useful on the occasion. But, then, as I said, there are also extracts from Holy Scripture. What does that mean? Does it mean that there are to be continuous passages selected and read for the edification and consolation of the mourners? There may be such a thing as stringing together a good many incongruous passages of Scripture—passages relating to priests of Baal—passages referring to Eli's neglect of duty, and his sons' misdeeds, or to the Pharisees and Sadducees. There is no doubt that an ingenious collection might be made of short texts of Scripture, which, being brought together, would have a meaning and an import very different from that

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which they carry with them when taken with their own context. My hon. and learned Friend is too good a scholar not to know what is meant by the word "Cento." He knows how passages may be made to carry a meaning which they were never intended to bear. What then, is there in this Bill to prevent some Positivist minister—I will not speak of a Christian minister, but the minister of some sect not Christian, but still "religious" in the sense of this Bill—from following the learned example of Ausonius, and framing his unpublished Ritual accordingly?

I meant to have said something upon the subject of conducting burials, as the next clause requires, in a "decent and solemn manner;" but the House will, I am sure, feel what an absurd pleonasm it is, when, after the loop-hole which is given in the preceding clause for the introduction of everything that may be most offensive to the conscience and the feelings of right thinking men, you come in with this pompous platitude, that the burial shall be conducted in a decent and solemn manner. I have, however, a very few more minutes at my disposal. I shall devote that time to an invitation, most sincerely offered, and which they had better take to heart, to those Members of the more moderate Liberal party who voted against the hon. Member for Bradford (Mr. Miall) some time ago, but who are now prepared to vote with the hon. and learned Member for Denbighshire on this Bill. They may think that in so doing they remove a grievance. I grant, Sir, that they might have laid that unction to their souls two or three years ago; but I put it to their common sense—I do not put it to anything else, but simply to their common sense as men of the world—whether, after the disestablishment party has made this question its watchword and ranged itself under this banner, they can as common sense English and working politicians fail for one moment to see that the time has come when they are bound to take one side or the other. I presume that, as moderate Liberals, they do not want the Nonconformists to break up the Liberal party. I suppose they wish that it should continue one of the great historical parties of the State, and I trust it will do so. Although I am a party man, I am not a partisan. I look upon party conflicts, in which there

is a tolerable balance of interests, as best for the commonwealth; and I tell hon. Members opposite that, if they yield to the Nonconformists upon the Church question, of which this burials conflict is an integral element, they will break up the Liberal party, and then in face of rampant Radicalism they will have to cross the floor and join us. So far I should not grieve, but the old Liberal party will be a thing of the past.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow.

Then the remaining Orders of the Day being gone through, it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

## HOUSE OF LORDS,

*Thursday, 10th July, 1873.*

MINUTES.—*PUBLIC BILLS—First Reading—*  
Public Schools (Eton College Property)\* (204); Highland Schools (Scotland)\* (205).  
*Second Reading—Petitions of Right (Ireland)\** (180); Indian Railways Registration\* (164); Blackwater Bridge (Composition of Debt)\* (189).  
*Select Committee—Report—Colonial Church (No. 202).*  
*Committee—Prison Officers Superannuation (Ireland)\* (192); Local Government Provisional Orders (No. 6)\* (157).*  
*Committee—Report—Tithe Commutation Acts Amendment\* (171); Statute Law Revision\* (174); Canada Loan Guarantee\* (183); National Debt Commissioners (Annuities)\* (191).*  
*Report—Colonial Church\* (118-203).*  
*Third Reading—Slave Trade (East African Courts)\* (187); Ecclesiastical Commissioners\* (200), and passed.*

## AFRICA—WEST COAST SETTLEMENTS —THE ASHANTEE INVASION.

### QUESTION.

THE EARL OF CARNARVON asked whether certain statements published in *The Times* of this morning as to hostilities on the Gold Coast were correct, and

whether the Government had received any despatches containing such information. If the statements were well founded, they tended to confirm the fear he recently expressed that Colonel Harley's estimate of the position was too sanguine, and that we should find ourselves engaged in another long and costly African war.

THE EARL OF KIMBERLEY said, no Department of the Government had received any information of the nature described by the noble Earl. He was, therefore, unable from any official source to inform him whether the information contained in the letter which had appeared in *The Times* was correct; but he was bound to say that he believed it would turn out to be substantially true. The latest information in his possession was dated the 4th of June, and arrived on the 28th. At that time the Ashantee forces were near a place called Donquah, in the Denkera country, and it was expected that a battle would come off between them and the Fante tribes. The statement in *The Times* corresponded as to the locality, and he feared, therefore, that the battle had resulted in the defeat of the latter as was stated. It was due to Colonel Harley to say that though on one unfortunate occasion he under-estimated the Ashantee force, he had by no means erred in the sense of taking a sanguine view of the position, having always represented it as of a serious kind. The noble Earl had not, apparently, noticed another letter, which stated that two African mail steamers, the *Yoruba* and the *Nigritia*, had been lost. He conjectured that this might be the cause of his not receiving correspondence regularly. A considerable quantity of military stores and provisions had been sent to the Gold Coast, and some, but by no means the larger portion, had been lost in those steamers. To remedy this loss a special steamer would be sent out immediately, with provisions and stores; but a considerable quantity had already arrived, and he had no serious apprehensions on that head. Papers giving a complete history of the matter up to a comparatively late date would be in the hands of Members of both Houses on Monday or Tuesday. These Papers would contain much information respecting the state of affairs at these Settlements, and he would communicate further information hereafter.

*The Earl of Carnarvon*

THE EARL OF LAUDERDALE said, he had no doubt that the account in *The Times* was correct, for by the last account Donquah was closely besieged by the Ashantees, and the King had written to the Administrator that, without immediate assistance he could not hold out. He feared the Administrator was under a delusion or was fettered by instructions, for he had seen a document in which he stated that he had given the protected tribes no assistance, except a small supply of powder. A gentleman also arrived by the last mail who was in the last action, and who said the Fantees were quite able and willing to beat back the Ashantees if they had some assistance. Unfortunately, our protected tribes at Cape Coast Castle and the Settlements had not been adequately supplied with arms and ammunition, and the result was that the whole country was now in a state of disorder, and had been completely devastated by the Ashantees.

THE EARL OF KIMBERLEY thought the noble Earl should await the despatches before condemning an Administrator placed in a very trying position.

#### STATUTE LAW REVISION BILL, 1873.

(*The Lord Chancellor.*)

(NO. 174.) COMMITTEE REPORT.

House in Committee (according to Order).

THE LORD CHANCELLOR, in reporting the Bill, which had passed through Committee without Amendment, explained that it continued the expurgation of the statutes from the 42nd George III. to the commencement of the reign of William IV. He moved the omission of the reference to the section of the Emancipation Act with reference to the assumption of territorial tithes. The framers of the Bill had construed the Act of 1871, repealing the Ecclesiastical Titles Act, as having repealed that section, but he doubted whether it went quite so far.

LORD CAIRNS also thought that, though the Act of 1871 had very much narrowed the operation of the section, it had not repealed it.

Amendment made accordingly.

Bill to be read 3<sup>d</sup> To-morrow.

**NAVY—PEBBLE POWDER—THE REVIEW AT PORTSMOUTH.**  
QUESTION.

THE EARL OF CARNARVON asked, Whether in firing a naval salute in honour of the Shah of Persia pebble powder was used; and, if so, to move for the amount now in store, and the price at which it is manufactured for the Government. The reason which had induced him to put this question was that he understood that our stock of pebble powder was small, that its manufacture was very costly, and that ordinary powder answered quite as well for saluting purposes. Moreover, the sad accident which occurred to a yacht on the occasion of the visit of the Shah of Persia to Portsmouth had been attributed to the great force of this powder. He had been informed—though he could scarcely believe it—that each of the three salutes had cost the country £1,000.

THE EARL OF CAMPERDOWN said, that the noble Earl was quite correct in presuming that pebble powder was used in the salutes on the occasion of the visit of the Shah of Persia to Portsmouth. It was considered by persons best qualified to form an opinion on the subject that the large guns used on board such vessels as our great iron-clads could not be properly fired with the ordinary powder, and the pebble powder was consequently used on the occasion in question with the 18 and 25 ton guns. In ordinary salutes it was customary to fire 12 pounders with ordinary powder. With regard to the other Question of the noble Earl, the quantity of pebble powder in store in the United Kingdom on the 31st March last was 49,411 barrels, 42,578 barrels of which were in loose and 6,833 barrels in cartridge. The cost when manufactured at Waltham Abbey was £3 3s. 5d. per barrel; when obtained from Belgium, £3 9s. per barrel; and when supplied by English manufacturers, £4 15s. per barrel. He was not in a position at present to show the difference between the price of pebble powder and the price of ordinary powder.

THE EARL OF CARNARVON had been given to understand that ordinary powder answered quite as well for saluting purposes for the large guns.

THE EARL OF CAMPERDOWN repeated that the best authorities on the

subject, the officers in charge of the naval artillery, regarded pebble powder as the only powder that should be used with the large guns.

LORD VIVIAN remarked that some blame must attach to somebody in connection with the accident to the yacht. He believed it was unprecedented, or nearly so, to fire salutes from gun-boats, and the officers in command should have taken due precautions. Seven persons were injured on board the yacht, one of whom, a connection of his own, was so much injured that he had not been able to leave his bed since then until Wednesday last. He believed that the misfortune was occasioned by the use of pebble powder. In his opinion sufficient precautions had not been taken.

THE EARL OF LAUDERDALE considered that pebble powder should not be used on such an occasion as that at Portsmouth the other day, as he thought it had been proved beyond doubt that for saluting it was very dangerous. He believed that common grain powder would have answered the purpose quite as well. All that was wanted on saluting occasions was to make as much noise as possible at as little expense as possible—pebble powder when fired without shot was half thrown away, as a large portion was blown out of the gun without being ignited.

THE EARL OF CAMPERDOWN, admitting that firing a salute by gunboats was unusual, replied that it was not usual for Portsmouth to see a Shah every day. The Admiralty regretted the accident to the yacht, but a notice had been issued, and appeared in *The Times* on the 21st of June, prohibiting yachts and private vessels from passing between the line of iron-clads during the inspection, and from closing round Her Majesty's yacht. These orders were contravened, two or three steamers bumping into Her Majesty's yacht considerably to their own inconvenience. Had those in charge of the yacht in question respected the rules issued by the Admiralty no accident would have befallen them. He protested against the accident being attributed to the officers of the Fleet.

LORD VIVIAN said, the yacht went close to the gunboat on account of the well-known rule that gunboats did not fire salutes.

THE EARL OF CAMPERDOWN repeated that the gentleman had only himself to thank for what occurred.

PUBLIC SCHOOLS (ETON COLLEGE PROPERTY)  
BILL [H.L.]

A Bill to amend section twenty-four of the Public Schools Act, 1868, with respect to the property of Eton College—Was presented by The Lord LYTTELTON; read 1<sup>st</sup>. (No. 204.)

House adjourned at Six o'clock,  
till To-morrow, half past  
Ten o'clock

HOUSE OF COMMONS,

Thursday, 10th July, 1873.

MINUTES.] — PUBLIC BILLS — Ordered—First Reading—Church Discipline Act Amendment\* [234]; Regulation of Railways (Returns)\* [232]; Treasury Chest Fund\* [233]. Second Reading—Medical Act Amendment (University of London)\* [224]. Committee—Supreme Court of Judicature [154] R.P.

Committee — Report — Military Manoeuvres\* [216]; Public Records (Ireland) Act (1867) Amendment\* [217]. Third Reading—Militia (Service, &c.)\* [216]; Elementary Education Provisional Order Confirmation (Nos 4, 5, and 6)\* [208, 209, 210]; Local Government Provisional Orders (Nos. 4 and 5)\* [211-212], and passed. Withdrawn—Shop Hours Regulation\* [128]; Seduction Laws Amendment\* [223].

FRANCE—COMMERCIAL TREATY, 1873.  
EXPORT DUTY ON COAL.

QUESTION.

LORD JOHN MANNERS asked the Under Secretary of State for Foreign Affairs, Whether instructions have been given to Her Majesty's Ambassador at Paris to secure for this Country, in the negotiations now pending between the Governments of France and England, the right of imposing a Duty on the export of coal?

VISCOUNT ENFIELD! Sir, no provision respecting the exportation of coal was included in the Treaty of Commerce signed with the French Government on the 5th of November last, nor is any such provision now in contemplation. I may remind the noble Lord that the British Government is precluded from imposing an export duty upon coal by the 5th Article of the Treaty with the Zollverein of May 30, 1865, which is as follows—

"The contracting parties engage not to prohibit the exportation of coal, and to levy no duty upon such exportation."

This Treaty continues in force until the 30th of June, 1877, and thenceforth unless terminated on twelve months' notice.

ARMY—"ADVANCED CLASS" EXAMINATIONS.—QUESTION.

SIR JOHN LUBBOCK asked the Secretary of State for War, Whether he would have any objection to lay upon the Table of the House the last Circular giving notice of the Examination of Candidates for the Advanced Class; why the recommendations of Major General Napier's Committee, in reference to the Advanced Class, were not carried out; when the next examination will be held, and whether ample notice would be given; and, whether it is intended to make Officers supernumerary of their rank while in the Class, as recommended by the Committee before referred to.

MR. CARDWELL: There is no objection, Sir, to the production of the Circular if my hon. Friend will move for it. The recommendations of the Committee have been generally carried into effect, but with the exception of allowing the Officers to be supernumerary. Objection was taken to this arrangement, on the ground that it was doubtful whether the advantages of the class had been proportioned to the expenditure which it occasioned. It is intended, in deference to the strong recommendation of the Committee, to give the class another trial, with ample notice, and to permit the officers above the rank of subaltern to be supernumerary.

ROYAL MILITARY ACADEMY, WOOLWICH—GENTLEMEN CADETS.  
QUESTION.

COLONEL BERESFORD asked the Secretary of State for War, Whether the system now in force in a considerable portion of the barrack room at the Royal Military Academy, Woolwich, of placing together not less than three, and in many instances recently four, gentleman cadets in rooms fifteen feet wide by thirteen feet in length will be continued, or if he intends to provide a separate room for each such cadet, not only for health sake but to insure the system of velum-

tary study in barracks; and, whether, considering that the amount paid by the parents for the education of the cadets is about £21,000 out of the total cost of £29,000, and about £150 for each cadet, he will be prepared to recommend more satisfactory accommodation?

MR. CARDWELL: Sir, among the objects recommended as desirable by the Royal Commission on Military Education was that to which the hon. and gallant Member refers. A considerable expenditure has been incurred in promoting various objects recommended by the Commission which have been considered to have priority over this proposal.

#### LUNATIC ASYLUM BOARDS (IRELAND).

##### QUESTION.

SIR DOMINIC CORRIGAN asked the Chief Secretary for Ireland, Whether, in accordance with the intimation given by the Irish Government to the deputation from the several municipal bodies of Ireland that waited on His Excellency the Lord Lieutenant and the Chief Secretary for Ireland on 30th January last, it is the intention of the right honourable the Chief Secretary for Ireland to bring in a Bill this Session for the introduction of the principle of representation in the constitution of the boards of the Lunatic Asylums of Ireland, and for insuring better financial management in those institutions?

THE MARQUESS OF HARTINGTON, in reply, said, that at the time when this deputation waited upon the Lord Lieutenant it was hoped that he (the Marquess of Hartington) would have been able to re-introduce during the present Session the County Officers Bill of last Session, but there had been no opportunity of doing so with any prospect of its obtaining sufficient discussion. There never was any intention to bring in a separate measure in reference to the boards of Lunatic Asylums. He trusted that during next Session it would be possible to consider and deal with the whole question.

#### THE ECCLESIASTICAL COMMISSIONERS—THE DERWENTWATER ESTATES.—QUESTION.

MR. T. E. SMITH asked the First Lord of the Admiralty, Whether it is true that a portion of the Derwentwater Estates lately advertised for sale

by public auction, have been agreed to be sold by private contract to the Ecclesiastical Commissioners, without testing their value by public competition?

MR. GOSCHEN, in reply, said, no portion of the estates which had been advertised for sale by public auction had been withdrawn or agreed to be sold by private contract. It had been under consideration whether another portion of the estate which had not been advertised for sale by auction, should not be sold to the Ecclesiastical Commissioners. If the Admiralty found that better terms could be obtained by private treaty than by public sale, that course would be followed.

#### INDIA—REGULATIONS FOR EUROPEAN OFFICERS—PRIZE.—QUESTION.

COLONEL STUART KNOX asked the Under Secretary of State for India, Whether the regulations for the European Officers in India are published by the authority of the Secretary of State for India in Council; Whether the Regulation at page 608, of the second edition of that Code, which sets forth that under the Act 3 & 4 Vic. c. 65, s. 22, "the final decision in all disputed questions of prize now rests with the High Court of Admiralty," has been or is to be cancelled; and, whether any of the Public Departments claim the right to supersede the jurisdiction of the Court of Admiralty, and to adjudicate, without a direct appointment from the Crown, on questions concerning booty of war; and, if so, under what Act of Parliament or what other authority?

MR. GRANT DUFF: In reply, Sir, to the hon. and gallant Member's first and second Questions, I have to say that the words "By authority" appear on the title-page of the book about which he asks, but that book is a mere compilation of official documents, and only authoritative in so far as it cites or renders with precise accuracy the meaning of official documents. The words quoted in the hon. and gallant Member's second Question form no part of any official document, and are a mere introduction prefixed by the compiler to a section of an Act of Parliament which he sets out in full, and the meaning of which is perfectly explicit. In reply to the hon. and gallant Member's third Question, I have

to say that I am not aware that any Public Department claims any right to supersede the jurisdiction of the Court of Admiralty.

MERCANTILE MARINE—LOSS OF LIFE  
AT SEA.—QUESTION.

MR. ALDERMAN LUSK asked the President of the Board of Trade, If his attention has been called to the following passage in a recent speech of the honourable Member for Derby, at Grimsby, viz.

"On the 24th March a number of vessels that sailed were missing and never more heard of except at Lloyd's. Yes, on the 24th of March, 70 ships—a whole fleet of merchantmen—had gone down to the bottom of the sea with all hands."

and, if so, if he has caused inquiries to be made into the correctness of this allegation as to the great loss of life and property on the day named; and, whether the ships lost were British ships and the seamen lost were British seamen?

MR. CHICHESTER FORTESCUE: Sir, if the statement in the speech of the hon. Member for Derby (Mr. Plimsoll) meant, as the hon. Alderman seems to think it did, that the 70 ships went down on the 24th of March, that is certainly not the case. I have had search made through the records of the Board of Trade and inquired at Lloyd's, and the fact is that on the 24th of March the list posted in Lloyd's room showed that during the period which had elapsed since the commencement of the year, 57 ships had been reported as missing; and this number included foreign vessels—but I am not able to say how many of them were foreign. These losses, or possible losses, took place, not on the shores of these islands only, but all over the world.

ARMY—ABOLITION OF PURCHASE—  
MEMORIAL OF OFFICERS.  
QUESTIONS.

SIR JOHN PAKINGTON asked the Secretary of State for War, Whether it is true that more than 2,200 Officers of the Army have memorialised His Royal Highness the Commander-in-Chief with reference to the effect of the abolition of purchase on their position and prospects, and praying for inquiry; and, whether he will lay upon the Table a Return upon this subject, similar to

that for which an Address has been moved in the other House of Parliament, and including Copies of all Letters from the Generals Commanding Districts, forwarding the said memorials?

MR. CARDWELL: Sir, the number of those who are reported to me as having signed the memorials is 2,245. The Return has already been given to the other House on the Motion of the Duke of Richmond, and if my right hon. Friend will move for it I shall have no objection to lay it on the Table of the House.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether it is the case that the Memorials referred to in the question of the Right Honourable Member for Droitwich, bear the signatures of officers of all grades from that of colonel downwards, comprising the names of officers who bought all their commissions, of others who have bought some but not all, and of others who have paid for none, the latter class including some who received their commissions for meritorious service in the ranks?

MR. CARDWELL: Sir, I have no disposition at all to dispute the suggestions contained in the Question. My examination of those voluminous Papers has not been exhaustive, but I shall be quite safe in answering the Question generally in the affirmative.

CHURCH OF ENGLAND—SACRAMENTAL CONFESSION—PETITION TO  
CONVOCATION.—QUESTIONS.

SIR JOHN PAKINGTON asked the Secretary of State for the Home Department, If he will lay upon the Table a Copy of the Petition addressed to the Upper House of Convocation by 480 Clergymen of the Church of England, praying for the revival of Sacramental Confession and for the establishment of an Order of Confessors, and of certain rites and ceremonies abolished at the time of the Reformation, with the signatures attached thereto?

MR. BRUCE, in reply, said, he did not receive any Copy of the Petition referred to in the Question, and, as Convocation was not now sitting, it was impossible to make any proper communication to that body on the subject.

SIR JOHN PAKINGTON: Are there no means by which Parliament can obtain a Copy of the Document?

MR. BRUCE: None that I can see, when Convocation is not sitting.

**ARMY—FIRST DEVON MILITIA.**

**QUESTION.**

SIR STAFFORD NORTHCOTE asked the Secretary of State for War, Whether he has received any representations from the agriculturists of North Devon respecting the inconvenience which will result to them in case of the First Devon Militia being called out for so long a period as forty-two days at the present season of the year?

MR. CARDWELL: Sir, I have received such a representation. The time was originally fixed because we understood it would be the time most generally convenient to the county. I understand that arrangements have already been made by which a very small proportion of the men called out will be agricultural labourers, and every effort is being made to reduce this number as far as possible.

**CASE OF THE IRISH CIVIL SERVANTS.**

**QUESTIONS.**

MR. PLUNKET asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to give effect to the Resolution adopted by this House on Friday last with reference to the case of the Civil Servants of the Crown serving in Ireland?

MR. GLADSTONE: Sir, I said a few words on this subject on Monday last, but, as it was at the close of some observations in regard to the Order of Business, it is quite possible that the words did not attract the attention of the House. I will repeat them as reported, because they express accurately what I said on the part of the Government—

"I have to state, with reference to the vote of the House on Friday night upon the salaries of the Civil Service in Ireland that, in redemption of the pledge we gave, it is our intention to appoint a Departmental Committee, which will examine into the position, emoluments, and conditions of service of the Civil Service in Ireland, and will go through such of the different establishments as may apply for examination into their cases."—[*3 Hansard, ccxvi. 1859-60.*]

MR. PLUNKET said, the reason why he put the Question was, because it appeared from what the right hon. Gentleman said that the Departmental Com-

mittee was to be appointed "in redemption of the pledge given" by the right hon. Gentleman at the time he was resisting the Resolution afterwards adopted by the House. He wished to ask, whether it was with a view to carry out the intention of the House that the Departmental Committee was to be appointed; and, if so, whether it would be exclusively composed of Treasury officials?

MR. GLADSTONE: The Committee to be appointed will be composed of official persons. I do not know that it is decided that they are to consist of Treasury officials. That is the only measure we can take in conformity with the Resolution of the House. Whether it satisfies that Resolution or not is, of course, a matter which asks for the free judgment of the hon. and learned Gentleman. I was not the author of the Resolution, and I am under no responsibility to interpret it.

**CUSTOMS—EXTRA TREASURY CLERKS.**

**QUESTION.**

MR. ELCHO asked Mr. Chancellor of the Exchequer, Whether the Government are prepared to establish the Customs extra Treasury clerks, including those excluded from the establishment by the Treasury Order of 1856, or otherwise improve their position; whether the Government have recently established ten extra or temporary clerks at the Local Government Board; and, whether any of these clerks were properly excluded from the establishment by the retrospective action of the Treasury Order issued in 1856?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I understand the word "establishment" to mean the existing establishments, and, understanding it in that sense, I have to say the Government are not prepared to promote these clerks, because the existing establishments are now recruited by competitive examination only. I believe 10 clerks were recently placed on the establishment at the Local Government Board—that is, persons doing the duty of temporary clerks, because it was considered better by the heads of the Department to place them on the establishment. I do not think any of these clerks were excluded by the retrospective action of the Treasury Minute of 1856, because it did not apply to that Department.

LORD ELCHO: The right hon. Gentleman has not answered the Question whether he would "otherwise improve their position?"

THE CHANCELLOR OF THE EXCHEQUER: I have no knowledge of any claim they have for the improvement of their position. ["Oh, oh!"] Any claim they have will be attended to.

ROYAL COMMISSION—MR. PLIMSOLL  
AND THE BOARD OF TRADE.  
QUESTION.

SIR STAFFORD NORTHCOTE: I wish to put a Question to the right hon. Gentleman the President of the Board of Trade with reference to a publication which has appeared in the newspapers on the subject of some evidence given before the Royal Commission by the hon. Member for Derby (Mr. Plimsoll), imputing grave offences to the officers of the Board of Trade. The Question I wish to ask is, Whether his attention has been called to the publication, and whether he is prepared to take any steps with reference to it?

MR. CHICHESTER FORTESCUE: Sir, my attention was naturally called to the publication of a letter of the hon. Member for Derby in *The Times* of Saturday. Since then I have addressed a letter to the hon. Member recapitulating what has passed before the Royal Commission, saying that the Royal Commission would judge for themselves what it was their duty to do; but that as he had chosen to publish that letter in the newspapers it was necessary for me, as President of the Board of Trade, to take the matter up. I then called upon the hon. Member to furnish me—as the person bound to look after the pure administration of the Department, and also to protect honest and honourable officers serving in it—with the names of "the many officers" of the Department whom he accused of corruption, and with the grounds and nature of his charges, or, if he still persevered in the refusal to do so which he had addressed to the Royal Commission, that he should then retract absolutely those charges. I have not as yet received an answer to that letter.

NAVY—AGE OF CADETS.—QUESTION.

MR. FITZWILLIAM DICK asked the First Lord of the Admiralty, What

is the maximum age at which Boys are admitted as Cadets into Her Majesty's Navy; and what are the regulations which govern their admission?

MR. GOSCHEN: Sir, the maximum age as the regulations stand at present is 13. I will furnish the hon. Member with a copy of the regulations, and will be happy to give him such further information as may be in my power. But I do not pledge myself that no alterations will be made in those regulations before the next examination. I hope before Parliament rises to be able to answer the Question put to me some time ago with respect to the changes in the admission of cadets; but the matter is one of great difficulty, and we have not yet been able to arrange it.

SOUTH KENSINGTON MUSEUM—  
RETIREMENT OF MR. COLE.  
QUESTION.

SIR HENRY HOARE asked the First Commissioner of Works, Whether it is true that Mr. Cole has retired from the office of Director of the South Kensington Museum, and has been allowed a retiring pension equal to his full salary; whether General Scott has vacated his office of Secretary and Acting Commissioner for the estate purchased out of the surplus funds of the Exhibition of 1851 in order to succeed Mr. Cole; and, whether Mr. Cole has been appointed to succeed General Scott at a salary of £1,000 a-year in addition to his retiring pension?

MR. AYRTON, in reply, said, his hon. Friend persevered in putting a Question to him, not merely with reference to the Exhibition Commission, of which he was an *ex officio* member, but also to a Department with which he was not connected. He might state, however, that it was quite true that Mr. Cole, after a long and honourable service, had retired, and that he had been awarded the pension to which he was entitled, and which was equal to the salary of the office he had held. With regard to the successor to be appointed, he believed he was correct in stating that the matter was under the consideration of the Department of Education. He was not on the Committee of Council, and was not able to say what their views might be. He had not heard before that General Scott had vacated his

office as Secretary and Acting Commissioner of the Exhibition Estates, and as he believed that General Scott had not vacated the office, he could not therefore have succeeded to that lately held by Mr. Cole. It was true that Mr. Cole had since his retirement from the public service been appointed by the Commission to discharge very important and necessary duties — namely, to act as manager of the great International Exhibition which was now carried on from year to year, and for the very important duties he had to discharge he was to receive a salary of £1,000 a-year, which was to be paid not by the Government, but out of the receipts of the Exhibition.

**WAYS AND MEANS—POST OFFICE REVENUES.—QUESTION.**

MR. WHITE (for Mr. SEELY) asked Mr. Chancellor of the Exchequer, Whether the sum of £480,000, taken from Post Office Revenue to repay moneys taken from Savings Bank balances, will not form part of the General Balances, and increase the Revenue by that amount; whether, if the Chancellor of the Exchequer still considers himself justified in anticipating that the Post Office Revenue will be nearly equal to that of last year, the Post Office Revenue will not be £430,000 in excess of his estimate; whether the effect will not be that next April the right honourable Gentleman will have the sum of £860,000 to deal with in addition to his estimated working surplus of £291,000; and, whether the probability of any increase in the Unfunded Debt being necessary at the end of the year is not thereby greatly diminished?

THE CHANCELLOR OF THE EXCHEQUER: The hon. Gentleman assumes that this sum has been taken from the Post Office Revenue. I dare say he is right in that assumption, but I have no proof of it, or means of ascertaining at this moment. Before I enter upon the serious matter of correcting in any way the estimate I laid before the House when making the Financial Statement, I should like to be quite sure of the facts. If, therefore, the hon. Gentleman would allow his Question to be postponed for a few days, I will give him correct information.

**IRELAND—DRAINAGE OF THE RIVERS SUCK AND SHANNON.—QUESTION.**

MAJOR TRENCH: I wish, Sir, to ask the right hon. Gentleman the Chancellor of the Exchequer a Question of which I have given him private Notice. On the 27th ultimo he acknowledged, in reply to my Question, that the proprietors and occupiers of a very extensive but much inundated district in the West of Ireland, had applied to be permitted to drain their lands under the provisions of the Drainage Act of 1863. He stated that permission had been refused, and that "the proprietors on the Suck must wait until a general measure had been determined upon for the Shannon." They have been waiting for such a measure for the last 25 years, and I now desire to ask the right hon. Gentleman, Whether he can hold out any hope that such a general measure as that he spoke of, will be determined upon and introduced next Session?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he could hold out no such hope.

MAJOR TRENCH: Then, Sir, I beg leave to give Notice that on going into Committee of Supply—I hope on Friday, the 18th inst.—I will call the attention of the House to the circumstances under which Her Majesty's Government have prevented the owners and occupiers of the 72,000 acres of land injured or inundated by the waters of the Suck from undertaking the drainage of their lands under the Drainage Act of 1863, and to move—

"That the course of action pursued by Her Majesty's Government in preventing the owners and occupiers of land injured or inundated by the waters of the Suck from undertaking the drainage of their lands, at their own expense, under the Drainage Act of 1863, is most prejudicial to the interests of a large agricultural population in the west of Ireland, and calculated to discourage a spirit of enterprise and self-reliance so necessary for the development of the resources of that country."

**PRIVILEGE—THE APPELLATE JURISDICTION OF THE HOUSE OF LORDS—THE JUDICATURE BILL.**

MR. GLADSTONE: I think, Sir, it will be for the convenience of the House that I should give some further explanation of the intentions of Her Majesty's Government in consequence of what

occurred "elsewhere" in relation to the Judicature Bill. I stated, when the subject was formerly alluded to, that it had come to our knowledge that serious doubts were entertained in quarters entitled to much authority and respect, whether the proposal we had given notice of our intention of making in this Bill was or was not consistent with the Privileges of the other House of Parliament. We have thought it our duty, not in a controversial, but, I hope, in a constitutional and prudential spirit, to give immediately our best attention to the question. It is our duty, in the first place, to watch with care over everything that relates to the progress of a Bill of so much importance, on which so much of the labour of both Houses has been spent, and in regard to which so much expectation is entertained by the country; and it is also our duty to consider any matter relating to a subject so serious as a conflict of opinion between the two Houses of Parliament as to their Jurisdiction—a matter which we know to be grave, and which, especially after the transactions of 1860, the House of Lords knows to be grave also. We thought it very advantageous that we should consider this subject before any question was actually proposed to this House of Parliament which could lead to the adoption of any positive proceeding in the other House leading to the possibility of future difficulty. At present nothing has happened, excepting that the Government has announced its intention to make a certain proposal as to which Gentlemen in many different quarters of the House have given their opinion almost uniformly, I think, if not quite uniformly, in its favour; but on the other hand, as I have said, in quarters of influence and authority doubts have been raised on this very serious matter. What I understand to be the statement made to which these observations of mine have reference is this—if this House should, in amending the Supreme Court of Judicature Bill, insert provisions which would extinguish the Jurisdiction of the House of Lords with regard to Irish and Scotch appeals, it is to be considered as a violation of the Privileges of the House of Lords, assuming these Privileges to be correctly declared in a certain well-known passage of Mr. Justice Blackstone, which runs as follows:—

"All Bills likewise which in their character affect the rights of the Peerage are, by the wisdom of Parliament, to have their first rise or beginning in the House of Peers, and suffer no changes or Amendments in the House of Commons."

Now, there are two questions that may be raised on that passage—first, with reference to its meaning, and second with respect to its authority. As regards its authority, I should not say that a sentence quoted from Mr. Justice Blackstone could bind the right or title of Parliament—I mean morally—which must depend on accumulated evidence of often repeated and long-continued consent. With respect to the meaning of the passage, it is very difficult to say what is meant by "the rights of the Peerage." But, undoubtedly, it is the opinion of some—I confess I think it a reasonable opinion—that that expression does not point so much to what concerns either the constitution or the duties of the House of Lords collectively, as it does to questions affecting the titles individually by which Members of that House sit within its walls. However that may be, I wish to observe upon an important point in connection with the present case. The present case is one in which we do not propose—it never has been proposed—to deal with one of the original and traditional Privileges of the House of Lords. As regards the power of the House of Lords to judge English Appeals, it is a power which the House has possessed from time immemorial, and which it is very difficult to detach even in argument from the history and being of that House. But as respects the power to deal with Irish and Scotch Appeals, it is a power which accrues to the House of Lords exclusively from the declarations of a statute; and while I would carefully avoid any term of controversy so far as it is in my power, I must say it would be to carry this doctrine to excess if, with respect to what has been done by a statute, it were to be contended that it was not in the power of this House to make proposals to modify or remove that power. I may be permitted on this occasion of very considerable interest to point out how very far the practice of the other House of Parliament has been from the assertion of this rigid theoretic doctrine. I will mention a few cases which have occurred, and I will quote nothing what-

ever but what have been the subjects of Parliamentary controversy. Some of those who hear me recollect the time when it was almost the annual practice to bring forward Motions in this House to relieve the Members of the Episcopal Bench from their duties in the House of Lords. Bills for that purpose were introduced, although they were never passed or accepted by the House. They were objected to on the ground of policy and sometimes of high constitutional argument; but never, so far as I know, was it asserted that to deal with or even to initiate such a Bill was beyond the proper province of this House. I may mention that Bills for that purpose were brought forward in 1834, 1836, 1837, and 1838, and I believe, if the Votes were carefully examined, additions might be made to the list.

**MR. DISRAELI:** I must rise to Order, Sir. I do so with the greatest regret; but I must call attention to the fact that, without Notice, the right hon. Gentleman is entering into discussion on a subject of the greatest importance. No doubt the indulgence of the House to one filling the exalted position of the right hon. Gentleman, and who is entitled to that position for so many reasons, would be willingly granted, but it must be done with reason. Under usual circumstances, a Minister would bring up some Papers, and on the Motion that these do lie on the Table the House would, of course, listen to him, and enable him to make any statement which he thought necessary. The late Lord Palmerston, when he led this House, always took that course. Even if he did not take that course, the House will receive with great indulgence any statement of facts from the right hon. Gentleman, however lengthy it must necessarily be; but he is not confining himself to a statement of facts for the future consideration of the House. He is entering into an argument upon a very abstruse question, without first of all giving any Notice to the House, and under circumstances which will not allow other Members to express their opinions. I therefore object to the course taken by the right hon. Gentleman. If he wished a discussion on this important question he should have given Notice, and, at all events, he should make some Motion now which will enable other Members to avail themselves of their right and

privilege to make such observations as they think necessary.

**MR. GLADSTONE:** The importance of the matter is such that unquestionably I should be justified in making the Motion, which ought never to be made without serious cause, that the House do now adjourn; and I have not the slightest objection to conclude with that Motion, in order to enable the right hon. Gentleman to make any remarks which he would be entitled to make, whether I conclude with a Motion or not. The right hon. Gentleman will see I have justification for the course I am pursuing, because it is one which is conceived in no narrow spirit, and which really aims at giving facility for the progress of Public Business as well as avoiding causes of serious difficulty. The right hon. Gentleman must be aware that there is some peculiarity in the circumstances out of which my address arises, and it has reference to proceedings such as are not permitted in this House, and it is difficult to treat under the regular forms of this House of proceedings which have been so carried on. I will resume the enumeration of precedents to which I had begun to refer. In the year 1832, there was actually introduced into this House a Bill for the abolition of the right of voting by proxy in the House of Lords. That proposal, however, was not persevered with, upon the ground that it trench'd on the Privileges of the House of Lords. I think that withdrawal was perfectly justified, inasmuch as the Bill did not refer to anything belonging to the duties of the House of Lords, but to a subject which is properly one of procedure in the House of Lords. It is a plainly reasonable assumption that the procedure of either House ought not to be the subject of discussion in the other House. In the year 1856 a Bill was brought into this House from the House of Lords, which dealt with the appellate jurisdiction of the Lords in relation to the creation of life Peers for certain purposes. That Bill was not accepted by this House, but it was referred to a Select Committee, and, unless I am very much mistaken, it is impossible to conceive any more clear assertion by the House of its title to deal with the details of such Bills and to introduce Amendments into them. In the year 1868 there came to this House a Bill to increase the number of Bishops,

and provision was made in this Bill for introducing the new Bishops into the rotation by which prelates take their seats in Parliament. That Bill was amended by this House. We struck out all the provisions relating to the Peerage, and we struck out of it others relating to salary. The Bill was sent back to the Lords, and the Lords disagreed with the Amendments, but they disagreed upon the merits and did not raise any question of Privilege; and the Bill was finally dropped, because this House adhered to its Amendments, the Lords adhered to their disagreement upon the merits, and the Bill was lost. In the year 1833, under the high authority of the late Lord Derby, there was actually introduced into this House that important measure known as the Irish Church Temporalities Act, which most importantly modified and altered the constitution of the House of Lords with regard to the rotation in which the Irish Bishops were to sit. That Bill was accepted by the Lords without any difficulty as to Privilege, and finally became the law of the land. In 1869, we introduced into this House the Irish Church Bill; in that Bill, if I am correct in my recollection, we proposed to take away the right of Peerage of existing Peers as well as to destroy the Peerages themselves prospectively. That Bill went to the House of Lords, and the Lords, I believe, amended the Bill by carrying the rights of the existing Peers; we adhered to our refusal to recognize those rights, the Lords eventually accepted the provisions of the House of Commons; and that provision, on the initiation of the House of Commons, going straight to the rights of the Peers in the highest sense, became the law of the land. These are proceedings of the Commons, and I believe many others might be mentioned; but there are other proceedings in the House of Lords. If ever there was an Act which materially touched the constitution and Privileges of the House of Commons, it was the Septennial Act, which in 1716 was introduced not in this House, but in the House of Lords. In the year 1832 there occurred a most singular instance. A Bill was introduced into the Lords, the effect of which was to alter the law with respect to the vacating of seats upon the acceptance of office under the Crown. That Bill was received by the Lords without objection;

it was debated in the Lords; a single Peer, Lord Radnor, took the objection that it dealt with the Privileges of the House of Commons, as, indeed, it did in the very highest and closest sense; that objection does not appear to have received any support from any other Peer, and the Bill was dropped before the second reading; but it was dropped, as I believe, entirely on the ground of want of time to proceed with it at the period of the Session at which it was introduced. We say, therefore, as regards this claim, such as we understand it, without seeking at this moment to commit the House, because I am arguing the matter entirely with reference to the intention of the Government as to its own proposals—we shall feel bound to deny in the most respectful but in the most unequivocal, and in the most absolute manner, the claim of Privilege which has been advanced. With every regard for the freedom of the House of Lords to assert its own privileges, should it think fit, the time for this assertion upon the present occasion, as I have already said, at any rate has not yet arrived, and I am discussing only individual, but weighty opinions; but we must unequivocally decline to accept or admit that claim of Privilege. I may say we should do that in no narrow spirit of selfish or exclusive regard to the Privileges of the House, though I hold the maintenance of the Privileges of the House the very first among the duties of its Members. This is a matter in which, in our view, the interests of the whole country and the interests of the House of Lords itself are directly concerned. If it be held, with respect to the constitution and duties of the House of Lords, that the House of Commons cannot initiate a Bill nor amend a Bill, but is reduced to the simple function of saying "Aye" or "No" upon the aggregate, what is the consequence? Among other consequences it immediately results that the House of Commons must make a corresponding counter claim, and we must say, with respect to every Bill which touches the constitution of the House of Commons, the mode of its choice, and the duties it performs, that the Lords cannot take the initiative. I need not remind the House how completely that will be at variance with the course hitherto pursued; because we almost all of us recollect what happened in 1867.

Many may remember what happened in 1832—and happened, in principle, I think, with perfect propriety—when the House of Lords came to exercise its title to pronounce an opinion adverse to that of the House of Commons upon many provisions of Bills for reforming the representation of the people. As to the general doctrine, there can be no question, in our minds, as to the duty we ought to pursue; but I ask nothing of the House upon the subject at the present moment. I may venture, without impertinence, to say this is not the first time the subject has been touched during the existence of the present Government. There have been two cases—one of them in the present year and one in 1869. An hon. Friend sitting behind me (Mr. Stapleton) proposed to introduce a Bill to alter the mode of electing representative Peers of Scotland and Ireland—undoubtedly a question directly affecting the constitution and Privileges of the House of Lords, and I venture to refer to what I said on that occasion, the 9th of March, 1869, to show that at least I do not require now to invent or profess for the first time a doctrine applicable to the present occasion. No objection was taken to the Bill on the ground that it trespassed on the Privileges of the House of Lords, and I said—

"And yet if I might give a recommendation to my hon. Friend, it would be that he should be satisfied with the introduction of the Bill, and that he should not attempt, at the present time, to press it further. I should not certainly venture to make any recommendation of the kind in a manner implying the slightest derogation from the title of any Member of this House to introduce a Bill, or of this House to pass through all its stages a Bill affecting the constitution of the House of Lords. The House of Lords has at all times exercised its unquestionable right of passing and of modifying or rejecting measures affecting the constitution of this House. The rights of the two Houses in this respect are incontestable. At the same time, as a matter of policy, I think my hon. Friend will agree with me that it is desirable that the initiative should be taken by the House of Lords itself in legislation of this kind."—[*3 Hansard*, xciv. 988.]

That is the principle upon which Her Majesty's Government have endeavoured to act in the present year in inviting the House of Lords to deal in the first instance with a measure which went directly to the question of the exercise of its appellate jurisdiction. So much for the general doctrine; and now let

me consider the position in which we find ourselves. There has been made in the House a proposal which I may say met with general favour, and which was accepted by the Government, who anticipated any substantive Motion of my right hon. Friend behind me (Mr. Bouverie), with a declaration on their part that they had always regarded it as an improvement in this important Bill, and that the only reason which had prevented them from endeavouring to secure its adoption in the first instance as a portion of the measure had disappeared—namely, the presumed disqualification of the people of Scotland and Ireland. The question is this—can we gain the important objects we have in view of giving completeness to the Bill now before the House, with reference to appellate jurisdiction, and at the same time avoid any reasonable chance or apprehension of anything like a conflict with the House of Lords? I am bound to observe that this is an occasion upon which, if possible, the feelings of every Member of this House would induce him to desire to avoid any conflict with the House of Lords. There can be no mistake in our assertion of the rights of this House; but the circumstances under which we shall have to consider the application of them are peculiar circumstances; for the House of Lords itself has spontaneously tendered to us a Bill in which it has sacrificed the main part of this important jurisdiction as an offering to the public welfare. That, Sir, is a significant and an important fact, and it is one to which we desire to allow due and full weight. We consider it in conjunction with the public importance of passing the measure, and the great importance also of severing, if possible, the consideration of any measure involving large public interests from questions relating to conflict of jurisdiction between the two Houses. Now, we believe there is a mode of procedure which is not without sanction and analogy in the mode of procedure of Parliament, which will enable us to gain this end. If hon. Gentlemen will advert to the Amendments of which Notice has been given on the part of my hon. and learned Friend the Attorney General, they will perceive that a portion of those Amendments touch directly the jurisdiction of the House of Lords; whereas the larger

portion of them embrace matters which, although I am very far from saying they belong exclusively to the House of Commons, yet they most properly belong to the House of Commons, because they touch the question of the judicial establishments of the country, with the charge they necessarily entail. I am not now going to speak of money Bills properly so called, for the questions of privilege and practice with regard to such Bills are so well understood that I need not refer to them; but sometimes in other Bills collaterally there arises in the view of the House of Lords the necessity for some provision which, if fully made, would entail a charge on the people of this country; and the House of Lords when it desires to attain the double object, first of all of indicating what they think public policy requires, and, secondly, of avoiding even an apparent trespass upon the province of the House of Commons, is in the habit of introducing into such Bills words indicative of its purpose, but yet, until they receive their complement by the action of this House, insufficient to give effect to those provisions. We propose to pursue an analogous course with regard to the Amendments of which we have given Notice. We propose to retain in these Amendments everything which relates to the complete and effectual constitution of the new Court of Appeal and to all matters collaterally incidental to that Court. I am now speaking, of course, of what we intend to ask the House to allow us to propose, if the House should accede to the Motion to re-commit the Bill. The whole of these provisions of the Amendments we shall ask the House to adopt. If that is done we shall at the same time forbear to ask the House to adopt those words which directly deal with the jurisdiction of the House of Lords, and the transfer of the Appeals. If the House of Lords feels disposed on the merits to deal with these beneficial provisions and to accept them it will thus be able to pursue that course without finding itself entangled in any questions relating to the Privileges of that House. The Lords will find, ready made to their hands, a Court of Appeal evidently intended for the three kingdoms, and in truth only to be justified in its details, because it is intended for the three kingdoms. But they will find nothing which, by the force of the words contained in

the Bill, will either destroy or impair the jurisdiction of the House of Lords over Scotch and Irish appeals. That will be a mode of invitation from this House to the House of Lords to part with their appeals which is analogous to the invitation which the House of Lords addresses to us in certain cases to make provisions of law involving public charges, and it will enable the House of Lords to deal with the question entirely apart from perplexing matters of controversy. I may also say that this mode of procedure is one which I hope will not put the House to inconvenience by entailing any delay in our proceeding with this Bill. It is evidently for the convenience of the House that the proposal to re-commit shall be made immediately on the receiving of the Report and before the consideration of the Amendments, so that the House may have an opportunity of considering the Bill as a whole, instead of being obliged to consider the Amendments first in a fragmentary and then in a complete form. In the course of this evening we will make the necessary modifications in the Amendments which have been laid on the Table, and they will then be before the House in a form which we trust will be both effectual and pacific. We make this proposal as an act of courtesy and consideration, which we think is warranted and called for by the circumstances of the case. We are unwilling to enter into a conflict with the other House of Parliament on any subject, and we are most of all unwilling to run the risk of such a conflict—whatever we may think of any abstract proposal—when the challenge given would be in the form of a reply to a Bill by which the House of Lords has patriotically and wisely surrendered a portion of its own jurisdiction. We wish to meet and to requite, as far as belongs to us, that wisdom and patriotism of the House of Lords by an act of courtesy and consideration on the part of the House of Commons. By doing so we must express the reservation of all we think the constitutional doctrine requires with regard to the title of this House and of the other House generally, and, for the purposes of legislation, to treat with great, and I might even say unreserved freedom, those classes of subjects which, as I have shown, have constantly been matters of consideration. I hope it will

be seen that, although I began with a matter which might be considered a matter of contention and controversy this was not the end I had in view. I trust it will appear that this explanation was called for in consequence of the opinions elsewhere expressed, and that it has been warranted by the peculiar circumstances of the case. I beg to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Mr. Gladstone.*)

**MR. BOUVERIE:** As it was the Notice which I put on the Paper of the House in reference to the extension of the Jurisdiction of the Court of Appeal constituted under the Bill that caused all this disturbance, perhaps the House will permit me to say one or two words on the subject. Having looked into the matter, it appears to me that the contention of Privilege on the part of the House of Lords in this matter is entirely unfounded. The best evidence of it is that the proposal which I submitted, and which has brought about this great difference between the two Houses, is a proposal respecting the Jurisdiction of the House of Lords in Irish and Scotch appeals. Now, that jurisdiction was conferred on the other House by Act of Parliament. The Acts of Union between England and Scotland, and between Great Britain and Ireland, which conferred that jurisdiction, were both of them introduced in this House and carried through the other, without a single word being said, as far as I am aware of, with regard to the Privileges of the Peerage being interfered with. This, I think, affords conclusive evidence that there is no such Privilege in the present case as has been claimed. The fact is that the courtesy of this House has always been exercised in reference to many of the peculiar functions of the House of Lords as a Court of record and so forth, and the personal privileges of the Peers. The traditional feeling of this House has always been that legislation in regard to rights of Peerage ought, by the courtesy of this House, to be allowed to be initiated in the House of Lords; but there appears to be no claim to Privilege in this particular instance. With regard to the passage quoted from *Blackstone*, I may remark that *Blackstone* himself is not

considered a high authority unless his statements are confirmed by previous writers, and he gives no authority for his statement as to this Privilege, God forbid, however, that we should enter into any controversy on this matter with the House of Lords! for in the whole course of our history such controversies have never led to any good result or advantage to the public service. If we enter into this controversy there can be no doubt what the issue will be; but the question naturally arises, what is the prudent and proper thing for us to do in the circumstances of the case? I do not gather from my right hon. Friend the exact course which he now proposes. Though personally I am interested in the adoption of Amendments which were originally suggested by me, I think it would have been better, after this threatened dispute with the other House, to drop the proposal in the present Session, with a view to obtain the great good which the Bill, even in its imperfect state, offers to the public, being certain that in the ensuing Session the jurisdiction relinquished by the House of Lords over English appeals cannot be permanently maintained over Scotch and Irish appeals. I should, therefore, have willingly consented to drop these Amendments, and pass the Bill, dealing solely with the English appellate jurisdiction of the House of Lords. But my right hon. Friend proposes that we should make imperfect Amendments, indicating what we wish, and leaving it to the House of Lords to complete these Amendments, if they are so minded, by adding the necessary words, taking from them the whole of their appellate jurisdiction. The objection which I see at the first blush to that course would be that we should then appear upon the record to be admitting the claim of Privilege made by the House of Lords in this matter. To act with regard to this claim as the House of Lords act with regard to our undoubted money privileges by putting in imperfect clauses, to be filled up in accordance with their views of their exclusive rights and Privileges, appears to me to be an admission on our part that their claim of Privilege is a well-founded and a just one. Suppose, however, that they do not make the alterations we expect them to make, and the imperfect clauses are left as we insert them, the Bill would then be a lame and mutilated

one, creditable neither to us nor the other House. That is my first impression of the course proposed by Her Majesty's Government; but I concur with my right hon. Friend that nothing is more to be deprecated than a hot conflict with the other House of Parliament as to the Privileges of either House, because the history of these contests shows that they have impeded Public Business, created ill-blood, and have conduced to no one good result.

MR. DISRAELI: The right hon. Gentleman said he addressed us in a spirit of conciliation, for which I give him every credit. I think he has, at the same time, to a certain degree addressed us in a spirit of confusion, for though I listened attentively, it was with great difficulty that I gathered—and my infirmity was shared by others—the precise intentions of Her Majesty's Ministers. On reflection they appear to me to be these:—That the House of Commons are to furnish certain salaries to certain officials, and the House of Lords are to assign to those officials the duties they are to perform in return for their salaries. That is not an unfair statement of what is proposed, and I certainly think it requires the month of July to induce a Minister to make a proposal of that kind. Almost all the resources of the Government must surely have been exhausted before such a proposal could be brought before us. It is not now for us to enter into a discussion respecting the Privileges of the House of Lords. At any time that is to be deprecated, as it is equally to be deprecated that the other House should discuss the Privileges of the House of Commons. But it is most inconvenient to enter into a discussion of so abstruse a character without any Notice on the part of the right hon. Gentleman that it was his intention to solicit the opinion of Parliament on the subject, as he has really solicited it now. It is difficult to follow the right hon. Gentleman, who comes here armed with precedents when we had no Notice of his intention to produce or discuss them. So far as I can judge, however, there is—I will not say no analogy—but no identity between his precedents and the case before us. For instance, the right hon. Gentleman quoted a Bill introduced into the other House as to the vacating of seats by Members of the House of Commons

upon the acceptance of office under the Crown, and he treated that as an infringement upon our Privileges. ["No!"] Then the right hon. Gentleman treated it as a Bill which might have infringed our Privileges. But in that case there could be no collision, for the House of Lords never sent the Bill down here. So with the Bill introduced here and bearing upon the present constitution of the Scotch Peerage, there could be no question of Privilege in the House of Lords, because the Bill never left the House of Commons. The right hon. Gentleman cited one case which had the appearance of a precedent. I have heard it quoted before; but it is one founded upon an entire fallacy—I mean the Septennial Act. That Act was proposed in the House of Lords, and was not, it is said, thought an invasion of the Privileges of the House of Commons. The right hon. Gentleman treated the Septennial Act as one referring peculiarly to the House of Commons. But it was really an Act referring to the Parliament of England, and concerned the House of Lords, as much as it concerned the House of Commons. ["No!"] The hon. Member for Brighton (Mr. White) seems astonished to hear that the House of Lords is a part of the Imperial Parliament. This is a fact of which he may avail himself in his next historical address to his constituents, and it may, perhaps, interest him and be of value to them. Sir, I cannot agree that this is a convenient mode of raising this question, and I think the right hon. Gentleman ought to have made the statement with which he has just favoured us at a time when we might expect it—namely, upon the consideration of the clauses which are to be brought up on the Report. We should then have entered into the subject with a more mature knowledge of the relative positions of the two Houses than we at present possess. He excuses the abrupt and unusual course he has adopted by reference to proceedings in "another place," which he thinks authorize his present course. But those proceedings elsewhere were adopted after due Notice; and though even then Her Majesty's Ministers were totally unprepared to meet the question at issue, that does not alter the fact that due Notice was given. The right hon. Gentleman is acting in error if he supposes that the

Privileges of the House of Lords in this matter are built up merely upon a passage in *Blackstone*. That passage was brought in in an illustrative manner—merely to illustrate a position and enforce an argument to show what was the opinion prevalent in the time of *Blackstone*. But all the precedents of the right hon. Gentleman refer to this passage in *Blackstone*, and have no reference to the alleged Privilege of the House of Lords. We shall, no doubt, have another opportunity of discussing the matter when the House, having received due Notice of and time to digest the queer propositions of Her Majesty's Ministers on the matter, will be better enabled to come to a conclusion which I have no doubt will maintain the Privileges of this House and respect the Privileges of the other House of Parliament.

MR. MITCHELL HENRY said, that he believed it would be much more in accordance with the wishes of the Irish people if the consideration of the appellate jurisdiction was postponed until next year, and he would tell the House why. The English Bill did not treat simply of appeals, but was a great measure, designed to effect extensive and beneficial reforms in all the superior Courts, and if such a Bill was required in England it was much more required in Ireland. The Government itself had recognized this, for in 1869 they passed a Bill through the House of Lords which had for its object the assimilation of the Irish system of Common Law in many important points with the English system; but that Bill did not get further than a first reading in the House of Commons, and had since disappeared entirely. No harm could possibly arise from postponing the question of Irish appeals, because the Judicature Bill could not come into operation until after next Session, and therefore the Government would have the opportunity of dealing with the Irish judicature in a thorough and efficient manner. The House had heard the opinion of the Judges and the Bar of Ireland; but there was another class of persons to be considered, and that was the suitors and the public generally—and they had very good reason to be dissatisfied with the present state of things. He, for one, was not in favour of overworking the Judges; on the contrary, he thought

that those eminent persons ought to be amply sufficient in number to discharge their duties with comfort to themselves, and without undue strain on their mental and physical powers; but there was no getting over the fact that a Parliamentary Return had shown that Ireland provided only one-fifth of the amount of legal business that England did, whilst there were 12 Judges to do it, as against 17 in England. The Irish people, therefore, would object to additional expenses being incurred in new appointments until it was shown that they could not be done without. The present system was enormously expensive and cumbersome to the suitor, for the practice of a single Judge sitting at Chambers and disposing of motions of course, hardly existed in Ireland; but the time of the full Court was taken up in hearing trumpery applications in which counsel appeared on both sides, at great expense, which in England would be disposed of for a few shillings by an attorney's clerk going before a Judge in Chambers. Moreover, the hon. Member for Meath (Mr. Martin) had shown last year that the Government gave away not less than 150 legal appointments, amongst the 400 Irish Barristers who practised their profession; and they could calculate for themselves what the result would be in England if the same proportion was maintained. He thought, therefore, that he had given reasons which were unanswerable in favour of the postponement of this question of Irish appeals; but he did not say anything respecting Scotch appeals, for he did not understand the question, and spoke only in the interests of the country of which he was one of the representatives.

MR. GORDON wished to remind the House that Scotch appeals were not introduced to the House of Lords by statute. About the year 1680 there was a discussion as to the right of appeal from the Scotch Courts to the House of Lords. A serious discussion arose between the petitioners to the Courts and the Judges, who went so far as to banish the advocates from Edinburgh unless they acknowledged that the judgments of the Court of Session were final and conclusive, and that there was no appeal to Parliament. There was, however, a protestation made that the subjects should have the right of appeal against the sentences pronounced in the Courts

of Session. The result was that the appeals to Parliament were recognized in Scotland without any transference by the Act of Union or any statutory provision whatever. The system was, in fact, a simple continuance of a custom which existed in Scotland before the Act of Union between the two kingdoms was passed. All he wished to insist upon was that there was nothing in the Act of Union which set up the House of Lords as a tribunal for the review of Scotch decisions.

MR. GLADSTONE stated that the modified Amendments would be placed upon the Paper to-morrow morning, in order that hon. Members might have the earliest possible opportunity of understanding what was intended. The right hon. Gentleman opposite (Mr. Disraeli) was in error in stating that Notice was given of an intention to raise a discussion in "another place" on a question of Privilege on the Judicature Bill. Neither he nor his Colleagues had any knowledge of any such intention; but it was not a point of sufficient importance to detain the House with.

MR. DISRAELI wished to know whether it was intended to proceed with the Judicature Bill at the morning sitting on the following day?

MR. VERNON HARCOURT wished to know whether it was intended to consider the Amendments about to be put upon the Paper on the Report, before the re-committal of the Bill, or whether the Bill would be re-committed, and the Report be proceeded with after the re-committal? He wished to express his satisfaction with the entire and absolute terms in which the Prime Minister had repudiated the claim of Privilege set up by the House of Lords. That seemed to be the main question; what course would be taken with reference to the subject of the Bill was a secondary matter. It was not only satisfactory to have heard what the Prime Minister had said on this subject, but it was equally satisfactory to know that the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), Leader of the Opposition, did not maintain the doctrine of Privilege asserted by the House of Lords. He should have been much surprised if a person occupying a position so eminent as that of the right hon. Gentleman had been prepared to lay the Privileges of the House of Commons at

the feet of the House of Lords. It was most important that both parties in the House should enter their protest against the doctrine. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) spoke with great wisdom in respect to the authority of *Blackstone*, which had been cited. The right hon. Gentleman, did not seem disposed to rely upon the authority, and it would be, indeed, strange if the authority of either House of Parliament was to be made to depend upon a text-book of Common Law. On the occasion of the impeachment of Warren Hastings it was proposed to take the opinion of the Judges as to whether the impeachment abated by reason of a dissolution; but Burke, in declining to be guided by the ruling of the Judges, said he would not think of taking the opinion of a rabbit on the proper time of gestation for an elephant. That was a criticism which might properly be applied to an attempt to import the authority of *Blackstone* in order to determine the Privileges of either House of Parliament. The same question arose in 1856 on the occasion of a Bill being sent down to the House of Lords, the object of which was the creation of life Peerages for the express purpose of conducting the Appellate Jurisdiction. The Bill was strongly opposed in the House of Commons, and among others by the present Prime Minister. The Attorney General—the present Lord Chief Justice—rather faintly recommended the Bill to the acceptance of the House, remarking that it was not the best plan, but it was one which ought to be adopted, because the House of Lords would not consent to any other plan. Upon that argument of the Attorney General Sir James Graham said—

"The Attorney General, who proposed the second reading of this Bill, if I mistake not, told us that the defects of that tribunal were glaring, and that it was on account of those defects that the Government proposed this Bill. I am bound to add that there were several observations made by the Attorney General which filled me with amazement and fear. The hon. and learned Gentleman told us that the defects of this tribunal were glaring; that a better course might possibly be adopted than that proposed by this Bill; and he added, as a reason for passing this Bill, that the House of Lords would not surrender its Appellate Jurisdiction. I said some of the hon. and learned Gentleman's observations filled me with fear and amazement. Have we arrived at that point that we, the Commons of England, if we shall be satisfied with

the judgment of the House of Lords itself as to the inefficient mode in which it now exercises its judicial functions, are to be told, when called upon to supply a remedy, that, though a co-ordinate branch of the Legislature, we are not to exercise our own right of decision with respect to the remedy, and that we are to be coerced by the assertion of Her Majesty's Attorney General that the House of Lords will not surrender its Appellate Jurisdiction, and consent that a new tribunal shall be erected which, it was admitted, is not one that will fulfil all the requirements of such a Court. Have we arrived at such a pitch of degradation?"—[*3 Hansard*, cxliii. 436.]

That was the language of Sir James Graham, and it was the language and the sentiment of every man who deserved to occupy a position in the House of Commons such as Sir James Graham held.

MR. MACFIE said, he thought there was a great deal in the suggestion of the right hon. Member for Kilmarnock (Mr. Bouverie). The course proposed by the Government was an entirely new one, and if it were adopted it might create a precedent which would be embarrassing at some future time. He thought that, under all the circumstances of the case, it would be well to let the Bill stand over until next Session.

THE LORD ADVOCATE asserted that the appeal to the House of Lords depended upon the Act of Union only. There was no express provision on the subject; but it was only by virtue of the statute that the appeals which formerly went to the Scotch Parliament were afterwards taken to the Imperial Parliament.

MR. GLADSTONE said, that the Government would adhere to their proposal of the re-commitment of the measure. He should propose to proceed to-morrow with the Judicature Bill.

Motion, by leave, withdrawn.

#### SUPREME COURT OF JUDICATURE

BILL.—[BILL 154.]—(Lords.)

(Mr. Attorney General.)

COMMITTEE. [Progress 8th July.]

Bill considered in Committee.

(In the Committee).

#### PART IV.—Trial and Procedure.

Clause 54 (Power to direct trials before referees).

MR. GREGORY moved, in page 29, line 14, after "thereto," to leave out "and also without such consent in any

such cause or matter." The House had a right to know who these official referees were to be, and what particular causes were to be referred to them. Were they to be barristers, solicitors, or experts, and were they to be permanently attached to the Court or appointed *pro hac vice*? He protested against all delegated authority, and trusted that the Committee would support him in his Amendment.

THE SOLICITOR GENERAL said, that the proposition of the hon. Gentleman would make the trial of certain causes impossible. What the clause proposed to do was done in every case at law which was referred, and it was done also in some cases by the practice of the Court of Chancery. Referees were to be appointed without the consent of the parties for conducting any inquiry which could not, in the opinion of the Court, be properly conducted in the ordinary way. The Bill proposed, as regarded documents, to continue the present practice of the Court of Chancery, and it was quite impossible that questions of detail should be examined in Court, except on appeal. Accounts in Chancery were never taken in Court, but were referred to Chambers in some way or other, and were taken by an officer termed a Chief Clerk. At Common Law such matters were referred to a Master, or to an arbitrator. They could not be taken in Court at all. He had yesterday before him a Government case, an action the account in which contained 400 items. The case was referred as soon as it came into Court. It was referred by consent, but only after the expense of the counsel for the Crown and three for the other side, and of several attendances and heavy briefs, had been incurred. The intention of the clause was to prevent useless expenditure of that description, and that references should be made without the consent of the parties. Clients were often disgusted at finding that heavy expenditure incurred in the preliminary stages of a trial were thrown away, on their case going to arbitration. As regarded cases for scientific investigation, they proposed a slight alteration. In Courts of Common Law, such cases were only referred by consent; but the Courts of Equity had power to refer them not in form but in effect to parties named by the Judge. That power had had the

most beneficial effect, and he should be glad to see it exercised more frequently than it was. In one case it had saved many thousands of pounds expenditure. It was a case of pollution of water. The Lord Justice James ordered the case to be referred for report to an eminent engineer, whose report he adopted, and nothing more was heard of the case. As the Bill was intended to fuse Law and Equity, it would extend this power to Common Law. Then, as regarded cases for local investigation, it was intended to get rid of the necessity of having "juries to view." A Lord Chancellor, in a suit for the obstruction of light, once said that since the case was before him on the previous day he had been to see the place for himself, a shop in the Strand. For this he was called to account, and he had no power to do what he did; yet there could be no doubt that it was a very useful power. They proposed that the Court should have power to send an officer to view. The hon. Member for Sussex would find, on reference to the Bill, that it provided sufficient checks against the appointment of incompetent referees, or of more than were needed. At the same time, they were not wedded to these particular definitions and proposals, but would be willing to consider any others that could be suggested. These experts attached to the Court would be permanent officers of the Court, holding a position of responsibility and professional honour, and therefore giving the Court a greater hold over them than over ordinary experts. The payment of these experts would also be more moderate.

MR. HUNT regarded the question raised by the hon. Member for Sussex as a very important one, and the remarks of the Solicitor General had by no means convinced him that the view of the hon. Member on this point was wrong. He fully admitted that official referees should be appointed to hear cases which could not properly be disposed of in Court; but, at the same time, he strongly objected to the Judge having a statutory power to order cases to be referred, because the exercise of such a power by the Judge might prove most oppressive to the suitor. He also objected to the appointment of scientific experts to whom cases should be compulsorily referred, on the ground that scientific men usually held theories of their own on scientific

matters, and that justice would be more likely to be done if such persons were called as witnesses than if they were to be made Judges of the cases involving scientific subjects of which they were assumed to have peculiar knowledge. He also objected to cases involving local investigations being made compulsorily referable, because nearly every case which came before the Courts might be held to involve a local investigation. It would be wiser to leave the parties at liberty to try or to refer their cases at their option, trusting to their common sense and to the advice of the Judge to induce them to refer where necessary.

THE SOLICITOR GENERAL remarked that the Judges had now a statutory power to order a case to be referred where it involved a question of account.

MR. MATTHEWS said, he thought that the power to order a case to be referred ought to be exercised before it came into Court, so that parties might be saved the expense of paying counsel's fees. If the clause were agreed to in its present form, we should have a crowd of official and salaried chemists, doctors, mathematicians, and other scientific persons in the employ of the Government. That all cases might be compulsorily referred to official experts seemed to him to be a dangerous proposal to make, because such men, however honestly disposed they might be, would be liable to act upon theories of their own, and not to deal with the questions which came before them from that common-sense point of view from which juries, though less acquainted with the subject, would consider those questions. He was not prepared, therefore, on such short notice to accept that part of the clause.

MR. SERJEANT SIMON said, he thought the clause one of the most valuable improvements in our system, which had been devised. It provided for just those cases which could not be properly tried in a Court of Justice, but which ought to be dealt with in a private room by an arbitrator. He, however, concurred with the hon. and learned Gentleman who had just spoken in the objection which he had taken to the scientific referee.

MR. LOPES said, the clause dealt with scientific and technical cases, as well as questions of account, but there were many railway cases which would come under that description which ought

to be tried by a jury. As the clause stood he thought it would confer a very dangerous power.

MR. JAMES said, the effect of the clause was that almost every case that could be conceived, might be referred. He hoped that the Committee would be disposed to consider the interests of suitors, and not give Judges an unlimited power of referring all the causes, or as many of them as they might select from the list to arbitrators.

MR. AMPHLETT said, he thought the clause went too far, and might offer a great temptation, in the hurry of Assize business, to both Judges and counsel, to get rid of a case by referring it. He hoped the Solicitor General would agree to the insertion of words requiring the reference to be made before notice of trial, and also to the omission of the words "any scientific or local investigation."

MR. OSBORNE MORGAN, said, that if he had to choose between a properly qualified official referee and an ordinary arbitrator, he would prefer the former, as the latter had all the duties and none of the powers of a Judge. That clause, however, as it stood was far too sweeping, and would practically enable Judges at any time to shift from themselves the burden of trying every case. Scientific referees would generally be inclined to decide according to their preconceived theories. The Court of Chancery had now the power of taking the evidence of scientific witnesses; but here it was proposed to substitute the man of science for the Judge.

MR. STAVELEY HILL apprehended that under this clause there would be an uncertain number of referees, and that the Judges would be able to refer such causes as they might think proper. In his opinion, any cause which could be properly tried by a Judge should not be delegated to any referee.

MR. HINDE PALMER regarded this clause as one of the most important in the Bill, and hoped its main principle and object would not be destroyed, for many causes which related to matters of account and to subjects of scientific importance could not be properly tried by a Judge.

MR. VERNON HARROD questioned whether the advantages offered by the clause might not be bought at too great a price. He considered that

one of the greatest scandals of the profession was the present system of reference. If the cause were to be disposed of at the Assizes, it would soon be over and done with; but in the case of a reference there were almost invariably postponements—now for the convenience of counsel, now for that of the arbitrator—and the result was dilatory proceeding, heavy expense, and great anxiety. He hoped that in the Bill the number of cases in which reference could be resorted to would be limited, and that the Committee would have some idea given them of what the expense of the new system was likely to be.

THE ATTORNEY GENERAL said, the clause was an important one, and ought to be approached from the suitors' point of view. The discussion seemed to have proceeded on a distrust of the discharge of their duty on the part of the Judges. It was apprehended that if the Bill passed as it stood the Judges would refer cases which ought to be disposed of by juries in their own Courts. In that view he, for one, could not concur. The Judges had power at this moment to refer not only all cases of account, but also all cases which involved "partly matter of mere account." It was true that no such reference could be made at *Nisi Prius*; but he had known cases in which causes were adjourned at *Nisi Prius*, and summonses subsequently taken out for a reference of each instance. He was bound to say that the cases in question ought originally to have been referred. What was now sought to be done was this—to provide that, before great expense was incurred in the giving out of briefs and otherwise, such cases should be remitted, not to arbitrators to be paid by the parties, but to a tribunal to be appointed by the Government and paid by the State. With respect to the expense of such a tribunal, he need only say that year by year the charges consequent upon it would be before the House in the Estimates, so that Parliament would have the opportunity of exercising complete control over them. The worst, therefore, that could happen—and even that he did not contemplate—would be an extravagant payment for one year.

MR. GREGORY observed, that the question before the Committee now was simply whether a man should have a right to be tried by Judge and jury, or

have his case sent to a referee, whether he would or not. He proposed to withdraw his present Amendment, and, instead of that, to move to strike out from the clause the words "or any scientific or local investigation."

Amendment, by leave, withdrawn.

Amendment proposed, in page 29, line 16, to leave out the words "or any scientific or local investigation." — (Mr. Gregory.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

DR. BALL supported the Amendment. He objected to giving irresponsible power to any scientific persons. You might have them to assist, but he would have a legal mind present to guide and control them.

Question put.

The Committee divided: — Ayes 76; Noes 55: Majority 21.

MR. MATTHEWS proposed, in page 29, line 20, to insert after "at any time" the words "before notice of trial." His object was to prevent the scandal of persons being sent to a reference after they had gone to all the expense of preparing for a trial.

THE ATTORNEY GENERAL objected to the Amendment as limiting too much the discretion of the Judge. It was not the suitor but the attorney that objected to a reference. He opposed the Amendment in the interest of the suitor.

MR. LOPES observed that references now were made in matters of account before trial.

MR. JAMES supported the Motion, which was really made in the interest of suitors. If an attorney was sincere and honourable to his client he would endeavour to prevent a reference on account of the expense inevitably caused thereby. If, on the other hand, he wished to increase his bill of costs, he would act in the contrary way. He must, however, make one remark. It was very hopeless and almost heart-breaking work for Members who remained in their places and took great pains to improve as far as they could a measure which was not a party one, to have themselves set aside by other

*Mr. Gregory*

Members who came in for the division and voted without hearing or understanding the question, but were merely told which were the "Ayes" and which were the "Noes." In the case of the last division the Members in the House were almost unanimous in favour of the Amendment. Yet it was lost, and he had little doubt that if a division took place on the Amendment now moved by the hon. and learned Member for Dungarvan, the result would be the same.

THE ATTORNEY GENERAL said, he was sorry to hear the observations of his hon. and learned Friend, but he would endeavour to keep his temper, and would not retort.

MR. HUNT must say there was some ground in the last division for the observation of his hon. and learned Friend (Mr. James). No independent Member had supported the view of the Law Officers of the Crown.

THE SOLICITOR GENERAL observed that his hon. and learned Friend behind him (Mr. Hinde Palmer) had spoken on that side.

MR. HUNT admitted he had made a mistake. The Government had the support of one independent Member. But certainly the division lobby did not represent the opinion of those who had heard the debate. He thought this Amendment would require some modification. He hoped, however, it would be pressed; if it were not, he should take the sense of the Committee on the whole clause.

MR. JAMES, in explanation, said, he had criticized only the conduct of Members who were absent from their discussions.

THE SOLICITOR GENERAL observed that in technical discussions of this kind the lay Members of the House ought either to have confidence in the Law Officers of the Crown, who were only actuated by a desire for the public interest, or else rely upon the opinion of such other lawyers as might be accidentally in attendance. The adoption of any other course would not be satisfactory either to the House or to the public.

MR. HUNT denied that this was a mere technical matter, but a broad and intelligible proposal whether a Judge was to have the statutory right of driving litigants to arbitration. He thought the hon. and learned Gentleman should be

more careful, and not attribute improper motives to those who opposed the clause.

The SOLICITOR GENERAL said, he had not had any such intention.

MR. HINDE PALMER said, he could not vote for words which would deprive the Judge at a trial of the power of directing a reference.

MR. F. S. POWELL vindicated the right of lay Members to discuss matters affecting the interests of suitors.

MR. C. E. LEWIS opposed the Amendment on the ground that practically it would operate as a denial of justice.

MR. MATTHEWS expressed his willingness to adopt the suggestion of the right hon. Member for North Northamptonshire (Mr. Hunt), and to substitute for the word "time" the words "at any time by consent, and without consent before notice of trial."

MR. HUNT said, he hoped the hon. and learned Member for Dungarvan would allow his Amendment to be negatived, so that a division might be taken on the original clause, which he desired to see expunged.

*Amendment negative.*

Question put, "That the Clause stand part of the Bill."

The Committee divided: — Ayes 66; Noes 25: Majority 41.

*Clause agreed to.*

Clause 56 (Powers of Court with respect to proceedings before Referees) *agreed to.*

Clause 57 (Her Majesty may establish District Registries in the country for the Supreme Court).

MR. F. S. POWELL moved, in page 30, line 8, to leave out "to be thereby defined," and insert, "which shall be such as are hereinafter described." His object was to ask the Government to define and limit the area on the face of the Bill.

THE ATTORNEY GENERAL opposed the Amendment.

*Amendment, by leave, withdrawn.*

MR. MATTHEWS moved, in page 30, line 10, after "issued," to leave out to "after-mentioned" in line 11. The object was to confine district registries to ministerial steps in an action, and to take away from them the contentious proceedings which were given by Section 60.

THE ATTORNEY GENERAL said, he thought it would be better to take the discussion of this matter on Clause 60, which raised the whole question.

*Amendment, by leave, withdrawn.*

*Clause agreed to.*

Clause 58 (Seals of District Registrars) *agreed to.*

Clause 59 (Powers of District Registrars) *agreed to.*

Clause 60 (Proceedings to be taken in District Registries).

MR. RATHBONE moved in page 31, line 9, after "proceedings," to insert, "including proceedings for the arrest or detention of a ship, her tackle, apparel, furniture, cargo, or freight."

*Amendment agreed to.*

MR. LOPES said, he had great objection to the clause, and moved its omission. These district registries would have jurisdiction, unlimited, both as to subject-matter and geographical extent. Under the new system anyone might issue a writ in the District Registry against anyone living anywhere. If the proceedings were not removed the cause would go to judgment in the district; and the decision of the District Registrar was practically without appeal. It was true that application might be made to the Judge, who might remove the whole proceedings. But there was no inherent right of appeal, and this power of applying to the Judge was a perfect illusion, for the Judge would be too apt to think the Registrar a competent person, nor could the grounds of objection to the Registrar's jurisdiction always be stated to the Judge. The Registrars would have to exercise judicial duties, to settle pleas and issues under a new system of pleading, to deal with particulars, to decide whether interrogatories should be administered, to decide also as to discovery and inspection of documents and the taking of partnership accounts. These were matters now dealt with by Judges and Masters, but hereafter they would be dealt with by Registrars, who would be practising attorneys within the district, unassisted by any Bar. What were the benefits to the suitors to be accomplished by this sweeping change? It was said that this localization would save expense and prevent delay. As to expense, the only

difference would be that hereafter under the Bill the local attorney would put the whole of the fees into his pocket, instead of dividing them with the London agent. If a man living at Truro were to bring an action against a defendant at Newcastle, the defendant must employ a person at Truro, of whom he knew nothing, to conduct his case; and as the District Registrars would decide differently all over the country upon points of law and practice, there would be the utmost confusion. He denied that the local solicitors favoured this local jurisdiction. He knew they did so with regard to the issue of writs and the dealing locally with mere ministerial matters; but they did not desire that contentious and judicial business should be disposed of locally. The example of the County Palatine was not in point, for an easy appeal existed there, and the writ did not run beyond the County Palatine, so that both plaintiff and defendant lived within the same jurisdiction. If the Government would be content to confine these District Registries to ministerial proceedings, and to remit contentious proceedings and judicial matters to be disposed of in London, or to give the parties the option of removing them upon mere application, a considerable part of his objections to the clause would be removed; but if the clause remained as it was, the practical effect would be, whilst endeavouring to redress an alleged grievance, to create one of much larger proportions, to the injury of the general body of suitors.

MR. LEEMAN said, the country solicitors in Manchester, Liverpool, Birmingham, Leeds, and many other of our large towns, were of opinion that if there was one portion of the Bill from which the community at large was likely to derive great benefit, it was that portion which gave to local communities the power of putting into operation the provisions of the Bill. The establishment of the County Courts was almost an analogous case to that which was proposed, and they had conferred such advantages upon the community that it had been thought advisable to entrust to them Equity, Admiralty, and Bankruptcy jurisdiction. It was the crying evil of our law that the moment they got a Chancery suit, however small might be the amount it involved, into the office of the Chief Clerk of the Court in London,

they could form no idea of the time when they would get it out of that office. If, however, as proposed by that Bill, District Registrars could, by directions from the High Court of Justice, go into and take accounts, there would be far less delay and expense incurred than if the business were entirely done in London. As to District Registrars not being able, especially in the absence of the Bar, to deal with contentious business, he would remark that it was only in difficult cases that country solicitors required to consult the Bar, and that they were obliged by their education to make themselves acquainted with the practice of both Law and Equity. He hoped the Government would hold by the clause they had proposed, which, in his opinion, would work satisfactorily.

MR. RATHBONE observed that the profession in those districts where local courts existed were anxious that the clause should be adopted, and that thereby the advantages existing in certain localities should be widely extended.

SIR RICHARD BAGGALLAY said, that no objection was taken to a certain amount of jurisdiction being conferred on the District Registrars. The objection was to the magnitude of the judicial power which it was proposed to confer on gentlemen who, however well qualified to discharge the offices which they at present filled, did not possess the qualifications which usually belonged to Judges of the Superior Courts. The clause enacted that all proceedings down to the trial might be taken before these District Registrars, and they might even exercise, in certain cases, a jurisdiction equivalent to the issuing of an injunction. The duties of the Registrar ought to be limited to purely ministerial functions. He did not believe that the public were aware of what was now proposed to be done, otherwise there would be a great outcry against it.

THE SOLICITOR GENERAL said, he thought he could relieve his learned Friends from some of their apprehensions by pointing out that the powers to be conferred upon Registrars would be subject to rules framed under the 64th clause by the Lord Chancellor, the Lord Chief Justice of England, and a majority of the Judges—subject to the approval of Parliament. That was a guarantee that no powers would be given them which they were not qualified to

exercise; and it was out of the question to suppose that they would be entrusted with the power of issuing injunctions. It had been found in practice in the County Palatine that the powers conferred by the clause had been of the greatest use, and had saved enormous expense. Sixty per cent of the writs issued by the Registrars never went any further. The causes became undefended actions, and all further expenses and costs were saved, which was a mercy to the defendants. The Committee might safely leave the power of making these rules in the hands of the Judges.

MR. MATTHEWS opposed the clause, observing that it allowed absurd and irrational things to be done, which the Judges were to endeavour to prevent by the framing of Rules of Court.

MR. TORR said, this seemed to be a contest between the London and the country lawyers. But the suitors were the persons to be considered. He regarded it as a most important and valuable feature of the Bill that it did away with the extensive centralization, which in legal matters now existed in London.

DR. BALL said, there was nothing in the Bill to limit the jurisdiction in which these writs should be issued. He would suggest that the District Registrars should be left as they were, and the power of issuing writs retained; but that no writ should be served on a defendant who resided more than a certain distance from the particular Registry from which the writ proceeded. It would place a vast power of annoyance in the hands of litigants if some such limit was not fixed.

THE SOLICITOR GENERAL said, he thought the power which his right hon. and learned Friend sought was contained in the 4th sub-section of Clause 64, which laid down rules for the conduct of the practice and procedure of the Courts.

MR. C. E. LEWIS pointed out that the 7th rule in the Schedule would work harshly in many cases. For instance, a London merchant served with a writ issued out of a County Court in Dorsetshire would have, if the writ had been specially endorsed, to obtain permission from the Judge to show that he had sufficient *prima facie* evidence for a good defence before he could be allowed to proceed in the action. It would be a hardship upon a man, to compel him to

go to long distances and incur considerable expense in order to take the initiatory steps towards meeting what was perhaps an illusory claim.

MR. WHALLEY complained that the Bill was being passed through Committee without any Member being able to understand it who was not a lawyer. In his opinion, the Government were bound to explain what was the precise grievance to suitors with which this clause proposed to deal. It was quite a new thing to lay down in an Act of Parliament rules for a system of procedure for a purpose that was not strictly necessary.

#### *Amendment negatived.*

Clause, as amended, *added* to the Bill.

Clause 61 (Power for Court to remove proceedings from District Registraries) *agreed to.*

Clause 62 (Accounts and inquiries may be referred to District Registrars) *agreed to.*

Clause 63 (30 & 31 Vict. c. 142. ss. 5, 7, 8, 10, to extend to actions in High Court).

MR. MATTHEWS moved, in page 82, line 6, to leave out the word "fifth," the object being to omit the continuance of the 5th clause of the County Courts Act, as it was now unnecessary, upon the ground that under the present Bill the question of costs would be in the discretion of the Judge.

THE ATTORNEY GENERAL said, that it would, in his opinion, be necessary to retain the 5th section of the County Courts Act.

#### *Amendment, by leave, withdrawn.*

Clause *agreed to.*

Clauses 64 to 72, inclusive, *agreed to.*

#### PART V.

##### *Officers and Offices.*

Clause 73 (Transfer of existing staff of officers to Supreme Court).

MR. R. N. FOWLER (for Viscount MAHON) moved an Amendment to entitle District Registry Clerks of the Court of Probate to the same progressive salaries and the scale of superannuation as were enjoyed by the clerks of the principal Registry Office, and to secure retiring allowances to those persons. The case of these men well deserved the con-

sideration of the Committee. He therefore begged to move the insertion of the Amendment which stood in the name of his noble Friend (Viscount Mahon).

*Amendment proposed,*

In page 36, line 29, after the word "thereof," to insert the words "District registry clerks of the Court of Probate shall moreover be entitled to the same progressive salaries and scale of superannuation as are enjoyed by the clerks of the principal registry office; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to any clerk in a district registry attached to the Court of Probate, who from age, infirmity, or other causes may desire or have to retire from his duties on the coming into operation of this Act, or at any time thereafter, who may have had continuous employment in such district registry, and in the office of any registrar of the courts formerly exercising jurisdiction in matters and causes testamentary (abolished by the Court of Probate Act, 1857), for twenty years and upwards immediately before such retirement, an annual allowance of two-thirds of the salary and emoluments of his office."—(Mr. Robert Fowler.)

*Question proposed, "That those words be there inserted."*

MR. MONK said, he thought the case of the District Registrars one of great hardship. They ought to be placed on the same footing with regard to superannuation as the other Civil servants.

MR. OSBORNE MORGAN said, he was not surprised that the noble Viscount who proposed this Amendment had run away from it. It had nothing whatever to do with the Bill. The reason why they were not placed in the same position as the clerks in the principal Registry was because they did not do half the work.

MR. STAVELEY HILL maintained that the District Registry Clerks were entitled to be placed in the same position as the Registry Clerks in the Chief Court of Probate, and were as much entitled to proper superannuation as Equity Judges.

THE CHANCELLOR OF THE EXCHEQUER said, he could not see any hardship in the case of these men. They had hired themselves on certain terms, and they got what they bargained for. They were not Civil servants. Every Civil servant must produce a certificate from the Civil Service Commission, which none of these individuals could do. In the next place, Civil servants were the servants of the Crown, but these men were appointed by the Registrars.

*Mr. R. N. Fowler*

*Question put.*

The Committee divided:—Ayes 49; Noes 171: Majority 122.

*Clause agreed to.*

Clause 74 (Officers of Courts of Pleas at Lancaster and Durham).

MR. A. EGERTON said, that as there was no chance of the Bill passing this Session he would move that the Chairman report Progress. It was important that the Turnpikes Acts Continuance, &c., Bill, which stood on the Orders, should not be brought on, as it had hitherto been, at the small hours.

MR. GLADSTONE said, he could hardly think that the hon. Member was serious in making the proposal. It was wholly without precedent, on a measure of first-rate magnitude for which the Government was responsible, to move until midnight, or until after midnight, and in the absence of any special cause, that the Chairman should report Progress. In all his experience he never knew such a proposal being made, and as it was the first, so he hoped it would be the last. The hon. Member was entitled to the credit, whatever it might be, of the originality of the step; but as it broke up the uniform practice of the House he trusted the Committee would not adopt it.

MR. SCLATER-BOOTH said, the reason why it was desired that the further progress of this measure should be stopped at that point was the desire on the part of many hon. Members that they should proceed with the Turnpike Acts Continuance, &c., Bill—a Bill of such importance that it should be considered before the small hours of the morning.

MR. GLADSTONE said, that he would pledge himself that if the Bill referred to did not come on until an hour after midnight he would not proceed with it, and that, as far as he could, he would give a full opportunity for its consideration.

MR. A. EGERTON said, that under the circumstances he would withdraw his Motion.

*Motion, by leave, withdrawn.*

MR. RAIKES moved to amend the clause to the effect that vacancies in the Courts should be filled "with the concurrence" of the President of the Division of the High Court of Justice, who was more likely to understand the re-

quirements than was the Lord Chief Justice, whose name stood in the clause.

**Amendment proposed.**

In page 37, line 20, to leave out the words "Lord Chief Justice of England," and insert the words "President of the Division of the High Court of Justice to which such officer is attached,"—(Mr. Raikes,) —instead thereof.

**THE ATTORNEY GENERAL** said, he proposed to leave out that portion of the clause requiring such concurrence, so that the concurrence of the Treasury would alone be required.

DR. BALL observed that it would cause great dissatisfaction among the Judges if the Lord Chancellor and the First Lord of the Treasury, who were both Members of the Cabinet, should be given the power of abolishing offices connected with the Courts.

MR. JAMES thought that the convenience of some one of the high legal dignitaries should be required.

MR. CAVENDISH BENTINCK inquired whether the section would affect the extensive patronage of the Master of the Rolls?

**THE SOLICITOR GENERAL** said, that when the Report of the Select Committee which had inquired into the subject was carried into effect it would practically abolish the extensive patronage.

MR. COLLINS remarked that it was taken too much for granted that that Report would be acted upon; the fact being that the House usually reversed the decisions of its Committees.

MR. CAVENDISH BENTINCK said, he must ask again what would become of the patronage of the Master of the Rolls, which was very considerable, both legal and literary? It was no answer to say the question had been dealt with by a Committee upstairs.

**THE ATTORNEY GENERAL** intimated that the question was under the consideration of the Government, who would deal with the Report of the Committee. As to the Amendment, he would agree to the words "Lord Chief Justice" being left out of this clause; but he could not agree to the insertion of the other words, because he thought that the Lord Chancellor and the Treasury might be trusted to do what was right with offices as vacancies occurred.

MR. SCLATER-BOOTH pointed out that the Committee had reported, and the question was whether the Government would take action on it?

MR. CAVENDISH BENTINCK wished to know whether it was intended to separate the patronage now vested in the Master of the Rolls?

MR. GLADSTONE said, that the Government would be responsible for any alterations that might be made; but he could not give an intelligible answer until after the Government had carefully considered the Report of the Committee. When that had been done, he would give the best answer he could.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 99; Noes 160: Majority 61.

*Clause agreed to.*

**Clause 75 (Personal officers of future Judges).**

MR. LOPES moved in page 38, line 34, to leave out "secretary," and insert "principal clerk." The effect of the clause would be to lower the status of the clerks to the Common Law Judges. This proposal of the Government was on the score of economy, but upon a principle which he thought unwise. His Amendment was intended to retain the salaries and positions of the officers of the Judges as they now were as nearly as possible.

**THE SOLICITOR GENERAL** pointed out that the Amendment of the hon. and learned Member would deprive the Equity Judges of their secretaries, who were barristers, and capable of performing legal duties.

**THE ATTORNEY GENERAL** observed that the services of the clerk were invaluable to the barrister; that it was he, and not the country, who ought to reward him.

*Amendment negatived.*

MR. HINDE PALMER moved, in page 38, line 38, after "justice," insert—

"Who shall belong to the Chancery division, a secretary whose salary shall be four hundred pounds per annum, a principal clerk whose salary shall be three hundred pounds per annum, and a junior clerk whose salary shall be one

hundred and twenty pounds per annum, and to each of the other judges of the High Court of Justice."

LORD JOHN MANNERS moved that the Chairman report Progress, as there was a desire on the part of many hon. Members that reasonable time should be afforded for the discussion of the next Order—the Turnpike Acts Continuance, &c., Bill.

MR. GLADSTONE said, if it were the wish of the House he would consent to reporting Progress.

LORD GEORGE CAVENDISH, as Chairman of the Select Committee on the Bill, said, that many hon. Members were in attendance in anticipation of the Bill coming on.

Committee report Progress; to sit again To-morrow, at Two of the clock.

#### TURNPIKE ACTS CONTINUANCE, &c.

BILL. [BILL 199.]

(*Mr. Hibbert, Mr. Stanfeld.*)

COMMITTEE.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [3rd July],

"That it be an Instruction to the Committee that they have power to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864." — (*Lord George Cavendish.*)

Question again proposed.

MR. WELBY said, there were three objections raised to the Instruction before the Committee—namely, that the Highway Acts themselves ought to be first amended; that if they were to be made compulsory, it should be by Bill, not by Instruction; and that it was too late in the Session for either. This last was no fault of the Committee which sat on the subject, and of which he was a Member, nor of the Government. The Bill might have been read a second time on 26th of June, but for the Notice of opposition given by the noble Lord the Member for South Wiltshire (Lord Henry Thynne). To proceed by Instruction was the only course open to the Select Committee after the Government had said they could not find time for a Bill, and to insist on amending the Acts first was equivalent to refusing to do anything. The hon. and learned Member for South-west Lancashire (Mr. Cross) had suggested that the Government should even at that late period take up the

question; but that course was not now practicable, and if the matter was to be dealt with at all this year, it must be done in the way now proposed and no other. The Select Committee had to provide for the extinction of the trusts referred to them as speedily as was consistent with the repayment of a fair proportion of their debts, and with the proper maintenance of the roads for the future. For this purpose the whole or most of the toll-income must be applied to the debts, and the maintenance provided from other sources. There was nothing new in this, as alleged. It had been constantly done for many years. Out of 503 trusts under the Continuance Act in 1867, 107 were wholly or partially repaired by the parishes; and 19 out of the 65, which after certain deductions, had been dealt with by the Select Committee this year. But the Committee thought that when the repair of roads was thrown on the individual parishes, very severe hardship often resulted; but if it were thrown on a highway district instead of the parish, a great portion of that hardship would disappear. Where the district through which the turnpike trust ran was partly under the operation of the Highway Act and partly was not, the greatest difficulty was experienced in coming to any equitable arrangement under those circumstances, and if the Act was made compulsory, many of their difficulties would be removed. Indeed, making the Highway Act compulsory appeared to afford the best and almost the only chance of maintaining the roads in anything like efficient repair. Parishes allowed them to decay partly from the expense, partly from the incompetence of overseers. The Highway Acts were already in force in 34 counties out of 49; and the sooner they were made compulsory the cheaper it would be, because the expense of them lay not in maintaining, but in bringing up to a proper state roads which had been allowed to decay. When well worked the Acts were economical. He therefore hoped the Committee would adopt the instruction.

MR. ASSHETON said, he was in favour of highway districts, and should like to see the Highway Act made compulsory; but he objected to effect even good objects by a side wind, and he should certainly vote against the present Bill.

*Mr. Hinds Palmer*

**COLONEL BRICE** thought the present highway system worked well, but under it there were instances of jobbery. The old parochial system, with a proper county administration, would prove, in his opinion, most effective in highway districts. To the present Bill he should offer every opposition.

**COLONEL KINGSCOTE** was in favour of the proposed Instruction to the Committee. In his district the highway system had worked well.

**LORD HENRY THYNNE** said, the Government seemed to have an utter disregard of the rights of the ratepayers. He maintained that the ratepayers ought not to be taxed for the benefit of those persons who did not maintain the roads in a proper state. The subject could not possibly be discussed at that hour (it was now five minutes past One A.M.) and he moved that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Lord Henry Thynne.*)

**MR. HENLEY** said, they were placed in an unfair position—a position that the Government ought not to place the House in. He maintained that this Turnpike Acts Continuance Bill was brought forward by a sidewind, by which the Government were trying to impose a heavy compulsory tax upon the whole country. It was now past One o'clock, and he hoped the Government would withdraw the Bill.

**MR. WHALLEY** said, that this was the natural supplement of the Highway Act, and the turnpikes could not be altogether done away with till the area of taxation was enlarged and fairly adjusted.

**MR. PELL** said, the Highway Act was most defective. It encouraged jobbery, and if amended there would be no necessity for the Turnpike Continuance Bill.

**MR. HIBBERT** asked that the Motion for adjournment should be withdrawn, in order that the Instruction might be discussed. ["No."] The Government would be guided by the opinion of the House, and, as far as he was able to judge, the House was in favour of the Instruction. The Government were of opinion that the Highway Acts ought to be amended, and would be prepared to introduce a Bill for that

purpose at a sufficiently early period next Session.

Question put:

The House divided:—Ayes 58; Noes 115: Majority 57.

Original Question again proposed.

**MR. CLARE READ** said, that they were at half-past One in the morning discussing a measure which was of more importance to the rural districts of England than many matters which were mentioned in the Speech from the Throne. It was most unfair to attempt to introduce into a Turnpike Acts Continuance Bill by a sidewind a proposal so important as this which would render the Highway Acts compulsory throughout England and Wales. He protested against the House being called upon to proceed with this important Bill at so advanced an hour. He therefore moved that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Clare Read.*)

**LORD GEORGE CAVENDISH** expressed a hope that the House would consent to divide on the Instruction, and that the Amendment would be withdrawn.

**LORD JOHN MANNERS** also expressed a hope that the House would divide on the Question. The Government in a very little time would become more potent to carry their measures than they were at present, and the present was the best opportunity to divide on the Question.

Question put:

The House divided:—Ayes 44; Noes 116: Majority 72.

Original Question again proposed.

It was now Two of the clock A.M. The discussion was continued by hon. Members, in a continually diminishing House, with alternative Motions for the Adjournment of the House and the Adjournment of the Debate. The opponents of the Motion persistently urged the impropriety of making the existing Highways Acts compulsory, and imposing a permanent burden of Local Taxation, by the "sidewind" of introducing an "Instruction" into a Bill for Turnpike Acts Continuance.

Motion made, and Question put, "That the Debate be now adjourned."—(Colonel Parker.)

The House divided :—Ayes 46; Noes 104: Majority 58.

Original Question again proposed.

Motion made, and Question put, "That this House do now adjourn."—(Mr. Joshua Fielden.)

The House divided :—Ayes 44; Noes 99: Majority 55.

Original Question again proposed.

Motion made, and Question put, "That the Debate be now adjourned."—(Colonel Barttelot.)

The House divided :—Ayes 40; Noes 94: Majority 54.

Original Question again proposed.

Motion made, and Question put, "That this House do now adjourn."

The House divided :—Ayes 41; Noes 91: Majority 50.

Original Question again proposed.

MR. HIBBERT said, he would consent to the adjournment of the debate, on the understanding that the hon. and gallant Member for East Essex (Colonel Brise) would withdraw his Notice to move—"That this House will, upon this day three months, resolve itself into the said Committee," and that it would not be put down on the Paper by any other Member.

COLONEL BRISE was understood to agree to this arrangement so far as his Notice was concerned; but said he could not be answerable for the action of any other hon. Member.

Motion made, "That the Debate be now adjourned."—(Mr. Frederick Walpole.)

At length,

Question, "That the Debate be now adjourned," put and agreed to.

Debate adjourned, at half-past Three A.M., till this day (Friday).

#### CHURCH DISCIPLINE ACT AMENDMENT BILL.

On Motion of Mr. WHALLEY, Bill to repeal so much of the Act of the third and fourth years of Her present Majesty, chapter eighty-six, commonly called "The Church Discipline Act," as deprives the Laity of the power of prosecuting the Clergy for offences against the

Ecclesiastical Discipline of the Church of England, ordered to be brought in by Mr. WHALLEY and Mr. JONES PARRY.

Bill presented, and read the first time. [Bill 234.]

#### REGULATION OF RAILWAYS (RETURNS)

BILL

On Motion of Mr. CHICHESTER FORTESCUE, Bill to make further provision for the Regulation of Railways, ordered to be brought in by Mr. CHICHESTER FORTESCUE and Mr. ARTHUR PEEL.

Bill presented, and read the first time. [Bill 232.]

#### TREASURY CHEST FUND BILL

On Motion of Mr. WILLIAM HENRY GLADSTONE, Bill to reduce the limit of the available Balance of the Treasury Chest Fund, ordered to be brought in by Mr. WILLIAM HENRY GLADSTONE and Mr. BAXTER.

Bill presented, and read the first time. [Bill 233.]

Then the other Orders of the Day, 46 in number, having been disposed of,

House adjourned at Four o'clock.

### HOUSE OF LORDS,

Friday, 11th July, 1873.

MINUTES.]—POSTAGE BILLS.—First Reading—Militia (Service, &c.) \* (206).

Second Reading—Gas and Water Works Facilities Act, 1870, Amendment (201); Court of Queen's Bench (Ireland) (Grand Juries) \* (184).

Committee—Law Agents (Scotland) (163-207); Colonial Church \* (208-208).

Committee—Report—Blackwater Bridge (Composition of Debt) \* (199); Indian Railways Registration \* (164).

Report—Prison Officers Superannuation (Ireland) \* (192); Local Government Provisional Orders (No. 6) \* (157).

Third Reading—Statute Law Revision \* (174); Canada Loan Guarantee \* (183), and passed.

#### ALDERNEY (HARBOUR AND FORTIFICATIONS).—QUESTION.

THE DUKE OF SOMERSET rose to call the attention of the House to the Report of the Select Committee in last Session on the Works in Alderney, and to ask what decision the Government had arrived at with respect to the maintenance of those Works? The circumstances which had led to the construction of these Works were well known to their Lordships. They were commenced about a quarter of a century ago—in 1847, he believed—on the recommendation of the first naval and military authorities of the day, and with the sanction of the

Duke of Wellington and Sir John Burgoyne, who considered them essential to the protection of the Channel and very important to the defence of the United Kingdom itself. They were completed after a very large expenditure of money in 1859 or 1860. The maintenance of the works in repair required a certain annual expenditure; and in 1867 great damage was done to the breakwater by heavy storms, which had been repaired at great outlay. Objection being taken to this expenditure in the House of Commons, the Secretary to the Treasury stated that as soon as the harbour was finished it would be necessary to commence the fortifications for its defence, whereas the fact was that they had already been constructed, and the whole works as a system of national defence were completed. The Select Committee for which he moved last Session unanimously recommended that the Government should seriously consider the course to be adopted. The question to be decided, they said, was in what way the fortified harbour should be now treated—whether it should be maintained in whole or in part—or destroyed and obliterated, or allowed gradually to perish by neglect?—and they stated that there was a very general concurrence of opinion amongst military and naval officers that in case of war the harbour at Alderney would be of great service and that the altered conditions of naval war did not detract from its value as a look-out station; as to the question of abandonment, they stated that the immense mass of materials would hold together for many years and afford an incomplete shelter to vessels of war, from which, if seized by an enemy, it would be difficult to dislodge him; and therefore to leave the breakwater in existence and to leave it undefended, Colonel Jervois said, was a proceeding which could not be contemplated. As to the question of the destruction of the harbour and fortifications, the work would, if possible at all, be extremely difficult, and at all events very costly, and Parliament after having expended £1,500,000 on the works would hardly now be disposed to vote a large sum of money for their destruction. He therefore desired to ask Her Majesty's Government what decision they had arrived at with respect to these works? The Lord Privy Seal, who was at the

Admiralty a great part of the time that the works were carried on, and was more responsible than himself for them, asked him early in the Session to postpone his Motion, in order that the Government might have another examination and report of the actual state of the breakwater, and he believed they had since had a full Report from a naval engineer, a military engineer, and an independent civil engineer. But it was not only on account of the importance that might be attached to Alderney as a harbour of refuge and a base for naval operations, that he pressed the Government to come to a decision—it was unfair to the inhabitants of the island that matters should be left in their present condition. The lights which these works rendered necessary at a cost of £60 a-year, had hitherto been provided by the Government, but this year they took a very economical view, and the Board of Trade had decided that they would no longer be maintained. On the States being summoned, it was shown that the whole revenue of the island was only £750 a-year. Every great country had its debt, and the public debt of Alderney involved an annual charge of £88 or £90; and they had a standing army of 25 police. Then there was the comparatively handsome contribution of £50 a-year for education, besides other charges, and the States said £60 a-year for the lights would ruin them. Thinking they might influence the Chancellor of the Exchequer, they urged on the Treasury that the breakwater had not been made by them, that there was a shoal at the extremity of it, and that what with the breakwater and the shoal they would be shut out from communication unless the lights were kept up, though they had a communication before the breakwater was made. The Chancellor of the Exchequer so far relented as to say he would do nothing this year; but unfortunately his own motto—*Ex luce lucellum* occurred to his mind, and he thought that by putting out the light he could gain £60 a-year. Alderney had either therefore to pay or be left in darkness. This was a serious thing; last December several vessels were injured owing to the absence of the light. The forts contained about 200 guns, with some artillery and troops, and either the forts must be blown up and the troops withdrawn, or some landing-

posed at the Foreign Office. A proposal had recently been made that a joint Commission of the four Powers should be appointed to draw up a line of frontier, and that in the meanwhile, to prevent collisions, the *status quo* should be observed till the line had been settled and marked out by the Commission. England and Russia were perfectly agreed on these proposals, and he had every reason to believe that the question would be settled. This would remove all serious difficulties between two countries whose interest it obviously was to maintain the most friendly relations, and such relations were important, not only to themselves, but to European Powers.

#### LAW AGENTS (SCOTLAND) BILL.

(*The Lord Chancellor.*)

(No. 163.) COMMITTEE.

House in Committee (according to Order)

Clauses 1 to 4 *agreed to.*

LORD COLONSAY moved to insert a clause to the effect that every member of the Society of Writers to the Signet should be enrolled as a law agent on producing his certificate from the Society. He objected that the Writers to the Signet should be called upon to apply for admission and submit to a fresh examination. They were a body of professional men who had already passed a most searching examination, and whose right to practise in the Supreme Courts in virtue of their commissions as Writers to the Signet had been recognized by statute since the first half of the 16th century.

Moved, after Clause 4, to insert the following clause—

"Every person who shall hereafter be admitted a Member of the Society of Writers to the Signet shall be enrolled as a law agent by the registrar on producing a certificate of his admission by an officer authorised by the Society to grant such certificate."

THE LORD CHANCELLOR said, he admitted the high position and great legal attainments of the Writers to the Signet; but he could not see any sufficient reason for exempting them from the examination required for admission as law agents. To do so would be to infringe the principle upon which the Bill was based—namely, to throw open

the profession of law agents to all persons who passed the necessary examination, and it could surely be no hardship upon a Writer to the Signet, who had successfully passed a very strict examination, to ask him also to submit to the less trying ordeal through which law agents might be required to pass.

THE DUKE OF RICHMOND regretted the refusal of the noble and learned Lord to accept the Amendment. The main object of the Bill was to raise the standard of legal education in Scotland, and he could see no reason why the Writers to the Signet should not obtain the exemption proposed in the clause now proposed.

LORD COLONSAY said, that to pass the Bill in its present shape would defeat one of the main objects of the Bill—namely, to raise the standard of legal education in Scotland. The Writers to the Signet had now to pass a series of very severe examinations, and they could scarcely be expected to submit to double examination; so that if the Bill passed in its present form, it would possibly lower the standard to the level of that which intending law agents were to be called upon to undergo.

After a few remarks from Lord CAIRNS,

On Question? Their Lordships divided: Contents 39; Not-Contents 46: Majority 7.

*Resolved in the Negative.*

Clauses 5 to 9 *agreed to.*

Clause 10 (Exceptions to rule that applicants shall undergo examination as to fitness to practise).

On the Motion of the LORD CHANCELLOR, Amendment made that no person who was under indenture at the time of the passing of the Procurators Act, or should have completed his apprenticeship prior to that date, shall be required to undergo an examination in general knowledge.

Clause, as amended, *agreed to.*

Clauses 11 to 24 *agreed to.*

Clause 25 (Repealing Clause).

LORD COLONSAY said, that by this clause the Procurators (Scotland) Act, 1865, was repealed; but it was provided that the repeal of that Act should not prevent Societies formed under the Act continuing to exist as "unincorporated

Earl Granville

bodies." He proposed to amend the clause by substituting the word "incorporated" for "unincorporated."

*Amendment agreed to.*

*Clause, as amended, agreed to.*

LORD COLONSAY moved to insert the following new clause at the end of the Bill—

"Except in so far as relates to striking the name of any person off the roll of law agents, nothing in this Act shall be held to affect the existing powers of inferior Courts, or the Judges thereof, over Procurators practising before such Courts, so far as these powers may be necessary for supporting the jurisdiction, and maintaining the authority of several Courts."

*Clause agreed to, and added to the Bill.*

The Report of the Amendments to be received on *Tuesday* next, and Bill to be printed as amended. (No. 207.)

#### GAS AND WATER WORKS FACILITIES

#### ACT (1870) AMENDMENT BILL.

(*The Earl Cowper.*)

(no. 201.) **SECOND READING.**

Order of the Day for the Second Reading, read.

EARL COWPER, in moving that the Bill be now read the second time, said, its object was to enable any Gas or Waterworks Company to obtain Provisional Orders from the Board of Trade, authorizing an amendment of their special Act, in relation either to the prescribed illuminating power, or the prescribed maximum price, or the prescribed pressure of the gas, to be supplied. Certain necessary notices having been given, the Board of Trade was to consider the application, and if they signified their assent, the Provisional Orders were to be valid, and to come into operation without awaiting the confirmation by Parliament, which, however, was to be obtained as speedily as possible.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
(*The Earl Cowper.*)

LORD REDESDALE said, the Bill appeared to him to require very serious consideration. It seemed to him to be a very dangerous step to confer upon the Board of Trade the power by their mere approval of an application for a Provisional Order, to do that which hitherto had been done only by the Legislature. It also seemed to him strange to introduce the principle that a Company which

was not working at a profit might apply to the Government for permission to increase their rates. It might be a very proper thing to do where, from circumstances for which they were not answerable, they were carrying on their business at a loss; but, under ordinary circumstances, Companies should be held to their chance of profit and loss, like any other description of traders. The Act seemed to fix 5 per cent as the rate of profit to which the Companies were entitled. But a statutory stipulation that the rate of profit was not to exceed 5 per cent under extraordinary circumstances was in effect to fix a minimum dividend for ordinary circumstances.

THE DUKE OF RICHMOND said, he thought the Bill in some respects a useful one, and therefore he would not oppose the second reading; but, as it was only delivered that morning, it was proceeding in great haste to ask for the second reading that evening. The Bill gave very large powers to the Board of Trade, and consequently it ought to be seriously considered before it left that House. The Companies ought to be required to show that, through the great increase in the price of coals, or from some other cause, they were working at a loss. He hoped sufficient time would be given before it came on for consideration in Committee.

*Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Tuesday* next.*

House adjourned at Seven o'clock, to Monday next,  
Eleven o'clock.

#### HOUSE OF COMMONS,

*Friday, 11th July, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Ecclesiastical Commissioners\* [235]; Slave Trade (East African Courts)\* [236].

*Committee*—Supreme Court of Judicature [154]

—R.P.

*Committee*—Report—Military Manœuvres\* [215]; Revising Barristers\* [221].

*Third Reading*—Public Records (Ireland) Act (1867) Amendment\* [217], and passed.

*Withdrawn*—Public Health [99].

The House met at Two of the clock.

Mr. SPEAKER having taken the Chair,  
PARLIAMENT—STRANGERS ORDERED  
TO WITHDRAW.

MR. MITCHELL HENRY, addressing Mr. SPEAKER, said: Sir, I call your attention to the circumstance that strangers are in the House. I am quite ready to give my reasons for taking this course if you think it necessary that I should do so, but I have no desire to do so at the present moment.

MR. SPEAKER: Strangers must withdraw.

Those parts of the House to which Strangers were admitted were accordingly cleared by the officers of the House.

On Strangers being again admitted (at about half-past Two of the clock), the House was proceeding with the "Questions."

The following, which was published by *The Times* journal the following morning, is believed to be an accurate memorandum of what took place during the exclusion of Strangers.

MR. BOUVERIE rose and said, he presumed that the hon. Member for Galway, who had called the attention of the Speaker to the presence of Strangers, did not intend that the House should go on until the end of the Session without reports of their proceedings. He did not know the exact circumstances which had induced the hon. Member to take the course which he had adopted; but he felt that the rule under which it was possible to adopt that course was one that could only be maintained if used reasonably and for just cause, and he hoped that the eyes of his hon. Friend would not continue to be so sharp if Strangers should again be found in the House.

MR. MITCHELL HENRY said, that with the permission of the House, he would very briefly state the reasons which had induced him to take the course he had done. Far from wishing to exclude Strangers or to prevent reports of the proceedings of the House, his only desire was that fair and reasonably accurate reports of their proceedings should appear, and it was because he and other Irish members believed that they were systematically ill-treated in this matter, that he had been driven

to call attention to the rule of the House excluding Strangers. He never spoke in that House without feeling as though he was undergoing a painful operation, for he was sensible how much the views of Irish Members were out of harmony with the mind of the House; but he also felt very strongly the duty that was cast upon Irish representatives to be faithful to their convictions. Yesterday he had very reluctantly interposed in the discussion raised by the Prime Minister on the Judicature Bill to state the views of some portion of the Irish people on a matter peculiarly affecting them, and although he rose amid noise and interruptions which were not unusual, he believed that the House itself admitted that there was force and weight in his arguments. It was essential to justify his interference on that important occasion that he should state some important facts, and in his brief statement he had done so. Very likely some hon. Members might blame him and think it presumptuous to complain; but he would not be so foolish as to deny that he wished those who sent him and other Irish Members to the House to know what on very important matters was said on their behalf. The privilege of sending reporters to the Gallery was not for the private advantage of the proprietors of newspapers, but it carried with it an implied moral obligation that reasonably full reports should be given of what Members had said in intelligible language, and not that any class should be very imperfectly reported or be nearly excluded. Of course, he well knew that the first consideration was due to eminent Members on both sides of the House, and he asked for nothing unreasonable, but only for fair play; not so much to himself, as to Irish constituencies. He did not know what changes had occurred, but he did believe that the arrangements for reports were not what they ought to be, and, unless something was done, he believed, with many Members, that assistance towards reports would have to be given by the House itself. Having said this, he did not wish to persevere in any course that was disagreeable to the House.

MR. GLADSTONE said, that as his hon. Friend had had the opportunity of stating his views, and of complaining as he had done, of some reports of proceedings that were not what he thought they

ought to be, he presumed that he would be ready to give way to the general feeling of the House, and, indeed, he hoped it would be so, for if often resorted to it would not be possible to maintain the rule as to the exclusion of Strangers.

MR. WHALLEY: I desire to avail myself of the question raised by my hon. Friend the Member for Galway by reminding the House that I have in my own way endeavoured to attract attention to the same subject, and there can be no doubt that, so far as informing the public of what passes here, the present system of reports is open to the charge that they are in a high degree deceptive and calculated to mislead. From 12 to 1, 2, 3, or 4 o'clock most important business is frequently done, and as to which the public, while under the general impression that they know what passes in this House, are completely ignorant; and it was as to the form of words in which *The Times*, in common with the other papers, slurs over this—giving the impression that it is a report of our proceedings, while, in fact, no report whatever is given—that I called attention under the form of breach of Privilege. I entirely concur with the hon. Member in his suggestion, that if any report is given it should be correct and sufficiently full as not to mislead. On those subjects in which I take an interest it so happens that the gentlemen in the Gallery have had it imputed to many of them that the reports which they give may be given under a bias. *The Weekly Register* some time since boasted that the Metropolitan Press was now almost wholly under the control of Roman Catholics, who fill their offices, and especially the Reporters' Gallery, a very large and undue proportion of whom—I have heard it stated at four-fifths—are of that faith.

An hon. MEMBER rose to Order, and the SPEAKER ruled that it was not open to the hon. Member for Peterborough to continue that line of observation.

MR. SPEAKER then said, that after what had passed he felt that he was consulting the general wish of the House in directing that strangers should now be re-admitted.

#### ARMY—SERVICE IN INDIA—LIMITATION OF AGE—QUESTION.

MR. W. M. TORRENS asked the Secretary of State for War, Whether, in accordance with the Address to the

Crown of the 20th June 1871, praying that youths under twenty years of age should no more be sent as soldiers to India, and the gracious reply of Her Majesty that the Queen would give directions in conformity with the desire of the House, the practice has been discontinued; or, whether it is true, as currently stated, that many soldiers under the age referred to have been sent out within the last twelve months?

MR. CARDWELL: Sir, the Address was modified by the addition of the words—"as far as practicable," and a Departmental Committee, of which the Inspector General of Recruiting was President and the Director General of the Army Medical Department was a Member, was appointed to consider the best means of giving effect to it. The Report of that Committee was laid upon the Table of this House. His Royal Highness's directions are in conformity with that Report, and I have had no reason to suppose that these directions have been departed from.

#### INDIA—SCRIPTURE READERS—MR. SANDWELL.—QUESTION.

MR. WHALLEY asked the Under Secretary of State for India, Whether it is the fact that the Commander-in-Chief in India dismissed from the station of Meen Mico in the Presidency of Bengal, Mr. Sandwell, a scripture reader, for the offence of lending to a soldier a pamphlet entitled "The Underground Railway to Rome," such pamphlet having been furnished to the said scripture reader by the Protestant chaplain of the station? He could assure the hon. Gentleman he had the information on the best authority.

MR. GRANT DUFF: Sir, no information, official or unofficial, has reached the India Office with regard to the matter alluded to in the Question of the hon. Gentleman.

#### NATIONAL EDUCATION COMMISSIONERS—THE CALLAN SCHOOLS—DISMISSAL OF REV. ROBERT O'KEEFE. MOTION FOR COMMITTEE WITHDRAWN.

##### QUESTION.

MR. BOUVERIE: I wish, Sir, to put to my right hon. Friend at the head of the Government a Question of some importance, relating to the Notice of Motion which stands in my name, on

the subject of the Callan Schools and Mr. O'Keeffe. Since I gave that Notice, Papers have been placed in the hands of Members having a direct bearing on the subject of my Resolution. One part of that Resolution had regard to the past, and another related to the future. With regard to the past, I intended to propose that the House should express its regret for the course which had been taken by the National Board of Education with regard to the Rev. Mr. O'Keeffe, and as respects the future I intended to ask the House to lay down a rule for the conduct of the Board in similar cases hereafter. The Papers which have been delivered to hon. Members this morning show that a rule has been suggested by Her Majesty's Government to the Commissioners for their future guidance in similar cases, which, practically and substantially, is the same as I would have asked the House to agree to, and that rule it appears has been accepted by the Commissioners. Therefore, that part of my object has been answered. But though security has been given for the future, I still think that reparation for the past is due to the Rev. Mr. O'Keeffe. I understand, however, that Her Majesty's Government do contemplate that the new rule will be applied to the case of that rev. gentleman, and I can only say, therefore, that if the right hon. Gentleman at the head of the Government can give a satisfactory answer in this respect, and can assure me that the Government have every reason to believe, and will take every means in their power to insure, that Mr. O'Keeffe shall be fairly heard, and his right to be manager of the schools shall be considered by the National Board, without reference to his being a suspended priest; then the second object of my Resolution will be answered. The rev. gentleman will then have got the reparation which is his due, and the House will have obtained the assurance for the future which it has a right to demand. In that case it will not be necessary for me to trouble the House by moving my Resolution on Monday, and I now therefore beg to ask my right hon. Friend what is the view which the Government take of the matter?

MR. GLADSTONE: I hope, Sir, I shall be able fully to meet the wishes expressed by my right hon. Friend.

*Mr. Bouvierie*

Before answering his question I will first say one word upon the past. My right hon. Friend will bear in mind that when he raised this question during the last Session of Parliament—and no one could be surprised that it should have been raised by some hon. Member of the House—my noble Friend the Chief Secretary for Ireland and I myself were not in full possession of the facts of the case. We admitted that we could not produce what in our judgment would be a full justification for the course of action which had been pursued, and we likewise admitted that Her Majesty's Government must, in every important question, be ultimately responsible for the proceedings of the Commissioners, that we could not and should not shield ourselves from ultimate responsibility, while we alleged that the moment had not yet arrived when we could consider with advantage the entire question. I then stated what I now repeat, that it would be a matter of extreme pain if, considering the immense importance of the question of national education in Ireland and the eminent services which during 40 years have been rendered by the Board of National Education, it had been found necessary by this House to pass, or by my right hon. Friend to propose, a Motion of Censure upon the conduct of the Commissioners. And I can now truly say that, although the Government has not been prepared to sustain or approve the rule which has heretofore, apparently, governed the practice of the Commissioners, I can perfectly well understand how the majority of the Commission was led by the consideration of that rule to the course which they have adopted. My right hon. Friend, giving a fair and not a captious interpretation to the subject, is satisfied with the rule which was recommended by Her Majesty's Government to the Commission, and which has been adopted by the Commission without difference of opinion. The question which he asks me is substantially this,—Whether the case of Mr. O'Keeffe will be read in the light of that rule? I can give my right hon. Friend a perfectly explicit answer. I could not entertain the smallest doubt that such a body of gentlemen as the Commissioners, in adopting that rule, have accepted it frankly and fully; and not only so, but I consider myself

entitled, from information upon which I can rely without any fear of being deceived, to say that the Commission will give Mr. O'Keeffe the full benefit of the rule if he shall renew his application. Such, I believe, is the view of the Board—such, undoubtedly is the view of the Government, and upon the Government, as I have stated, the responsibility ultimately rests. The House has a right to demand at our hands an account of every important transaction of the Board, and it will be the duty of the Government to communicate to the Commissioners the wishes of the House.

MR. BOUVIERIE: I am perfectly satisfied myself with the course taken by the right hon. Gentleman, and, therefore, I shall not think it necessary to bring forward the Motion, having gained the object which I had in view.

MR. GLADSTONE: I am glad that so far as my right hon. Friend is concerned the question is at an end.

#### PARLIAMENT—ORDER OF BUSINESS.

MR. GLADSTONE, in answer to inquiries of hon. Members, said, that if the Committee on the Judicature Bill terminated before half-past 12 o'clock, he proposed that they should proceed with the Turnpike Acts Continuance Bill, which had engaged their attention until such an inconveniently late hour that morning. If the Judicature Bill were not disposed of, they would have to proceed with it on Monday; otherwise the Report of the Amendments made in the Rating Bill would be considered. The Government were anxious, if it were possible, to go on with the Merchant Shipping Bill. Due Notice would be given of the time when the Real Estate Intestacy Bill would be taken. It was not intended to proceed with the Education Act Amendment Bill on Monday; but Notice could be given on that day when it would be brought on.

#### PUBLIC HEALTH BILL. [BILL 99.]

(Sir Charles Adderley, Mr. Francis Sharp Powell, Mr. Whitbread, Lord Robert Montagu, Mr. Stephen Cave, Mr. Richards.)

#### ORDER FOR COMMITTEE DISCHARGED.

#### BILL WITHDRAWN.

SIR CHARLES ADDERLEY, in moving that the Order for Committee

on this Bill be read in order to its being discharged, said, that after the divisions of last Tuesday, which showed that there was a minority of 36 against 93 that undertook the responsibility of opposing the Bill by every means, he had resolved not to trouble the House with nightly struggles, at the period to which the opposition had delayed the Bill. The opposition was first announced before the Bill was printed, and therefore it was irrespective of its details, and against every measure coming within its title. The plea had been a general fear of any possible increase of rates, which, on the contrary, the Bill proposed to economize, by completing the duties of officers already constituted. It was desirable to exhaust the amendments of Sanitary Acts recommended by the Commission before consolidating the law. The Acts of the last two Sessions had completed both the central and local machinery for all sanitary purposes, the digests of statutes must serve as law for a little longer. He gave Notice that he would re-introduce the Bill, excepting the 8th clause, at the opening of next Session, in time, if possible, for consolidation, which should be clear of Amendment, the same year.

MR. PELL said, he could not assent to the character which the right hon. Gentleman had given to the opposition. It had reference not to the increase of rates, but to the new powers which it was proposed to confer on Medical Officers of Health.

Order read and discharged:—Bill withdrawn.

#### SUPREME COURT OF JUDICATURE

BILL.—[Lords].—[BILL 154.]

(Mr. Attorney General.)

COMMITTEE. [Progress 10th July.]

Bill considered in Committee.

(In the Committee.)

Clause 75 (Personal officers of future Judges).

Amendment proposed,

In page 38, line 38, after the word "justice," to insert the words "who shall belong to the Chancery division, a secretary whose salary shall be four hundred pounds per annum, a principal clerk whose salary shall be three hundred pounds per annum, and a junior clerk whose salary shall be one hundred and twenty pounds per annum, and to each of the other judges of the High Court of Justice."—(Mr. Hind Palmer.)

the subject of the Callan Schools and Mr. O'Keeffe. Since I gave that Notice, Papers have been placed in the hands of Members having a direct bearing on the subject of my Resolution. One part of that Resolution had regard to the past, and another related to the future. With regard to the past, I intended to propose that the House should express its regret for the course which had been taken by the National Board of Education with regard to the Rev. Mr. O'Keeffe; and as respects the future I intended to ask the House to lay down a rule for the conduct of the Board in similar cases hereafter. The Papers which have been delivered to hon. Members this morning show that a rule has been suggested by Her Majesty's Government to the Commissioners for their future guidance in similar cases, which, practically and substantially, is the same as I would have asked the House to agree to, and that rule it appears has been accepted by the Commissioners. Therefore, that part of my object has been answered. But though security has been given for the future, I still think that reparation for the past is due to the Rev. Mr. O'Keeffe. I understand, however, that Her Majesty's Government do contemplate that the new rule will be applied to the case of that rev. gentleman, and I can only say, therefore, that if the right hon. Gentleman at the head of the Government can give a satisfactory answer in this respect, and can assure me that the Government have every reason to believe, and will take every means in their power to insure, that Mr. O'Keeffe shall be fairly heard, and his right to be manager of the schools shall be considered by the National Board, without reference to his being a suspended priest, then the second object of my Resolution will be answered. The rev. gentleman will then have got the reparation which is his due, and the House will have obtained the assurance for the future which it has a right to demand. In that case it will not be necessary for me to trouble the House by moving my Resolution on Monday, and I now therefore beg to ask my right hon. Friend what is the view which the Government take of the matter?

MR. GLADSTONE: I hope, Sir, I shall be able fully to meet the wishes expressed by my right hon. Friend.

*Mr. Boucicau*

Before answering his question I will first say one word upon the past. My right hon. Friend will bear in mind that when he raised this question during the last Session of Parliament—and no one could be surprised that it should have been raised by some hon. Member of the House—my noble Friend the Chief Secretary for Ireland and I myself were not in full possession of the facts of the case. We admitted that we could not produce what in our judgment would be a full justification for the course of action which had been pursued, and we likewise admitted that Her Majesty's Government must, in every important question, be ultimately responsible for the proceedings of the Commissioners, that we could not and should not shield ourselves from ultimate responsibility, while we alleged that the moment had not yet arrived when we could consider with advantage the entire question. I then stated what I now repeat, that it would be a matter of extreme pain if, considering the immense importance of the question of national education in Ireland and the eminent services which during 40 years have been rendered by the Board of National Education, it had been found necessary by this House to pass, or by my right hon. Friend to propose, a Motion of Censure upon the conduct of the Commissioners. And I can now truly say that, although the Government has not been prepared to sustain or approve the rule which has heretofore, apparently, governed the practice of the Commissioners, I can perfectly well understand how the majority of the Commission was led by the consideration of that rule to the course which they have adopted. My right hon. Friend, giving a fair and not a captious interpretation to the subject, is satisfied with the rule which was recommended by Her Majesty's Government to the Commission, and which has been adopted by the Commission without difference of opinion. The question which he asks me is substantially this,—Whether the case of Mr. O'Keeffe will be read in the light of that rule? I can give my right hon. Friend a perfectly explicit answer. I could not entertain the smallest doubt that such a body of gentlemen as the Commissioners, in adopting that rule, have accepted it frankly and fully; and not only so, but I consider myself

entitled, from information upon which I can rely without any fear of being deceived, to say that the Commission will give Mr. O'Keeffe the full benefit of the rule if he shall renew his application. Such, I believe, is the view of the Board—such, undoubtedly is the view of the Government, and upon the Government, as I have stated, the responsibility ultimately rests. The House has a right to demand at our hands an account of every important transaction of the Board, and it will be the duty of the Government to communicate to the Commissioners the wishes of the House.

MR. BOUVIERIE: I am perfectly satisfied myself with the course taken by the right hon. Gentleman, and, therefore, I shall not think it necessary to bring forward the Motion, having gained the object which I had in view.

MR. GLADSTONE: I am glad that so far as my right hon. Friend is concerned the question is at an end.

#### PARLIAMENT—ORDER OF BUSINESS.

MR. GLADSTONE, in answer to inquiries of hon. Members, said, that if the Committee on the Judicature Bill terminated before half-past 12 o'clock, he proposed that they should proceed with the Turnpike Acts Continuance Bill, which had engaged their attention until such an inconveniently late hour that morning. If the Judicature Bill were not disposed of, they would have to proceed with it on Monday; otherwise the Report of the Amendments made in the Rating Bill would be considered. The Government were anxious, if it were possible, to go on with the Merchant Shipping Bill. Due Notice would be given of the time when the Real Estate Intestacy Bill would be taken. It was not intended to proceed with the Education Act Amendment Bill on Monday; but Notice could be given on that day when it would be brought on.

#### PUBLIC HEALTH BILL. [BILL 99.]

(Sir Charles Adderley, Mr. Francis Sharp Powell, Mr. Whitbread, Lord Robert Montagu, Mr. Stephen Cave, Mr. Richards.)

#### ORDER FOR COMMITTEE DISCHARGED.

BILL WITHDRAWN.

SIR CHARLES ADDERLEY, in moving that the Order for Committee

on this Bill be read in order to its being discharged, said, that after the divisions of last Tuesday, which showed that there was a minority of 36 against 93 that undertook the responsibility of opposing the Bill by every means, he had resolved not to trouble the House with nightly struggles, at the period to which the opposition had delayed the Bill. The opposition was first announced before the Bill was printed, and therefore it was irrespective of its details, and against every measure coming within its title. The plea had been a general fear of any possible increase of rates, which, on the contrary, the Bill proposed to economize, by completing the duties of officers already constituted. It was desirable to exhaust the amendments of Sanitary Acts recommended by the Commission before consolidating the law. The Acts of the last two Sessions had completed both the central and local machinery for all sanitary purposes, the digests of statutes must serve as law for a little longer. He gave Notice that he would re-introduce the Bill, excepting the 8th clause, at the opening of next Session, in time, if possible, for consolidation, which should be clear of Amendment, the same year.

MR. PELL said, he could not assent to the character which the right hon. Gentleman had given to the opposition. It had reference not to the increase of rates, but to the new powers which it was proposed to confer on Medical Officers of Health.

Order read and *discharged*:—Bill withdrawn.

#### SUPREME COURT OF JUDICATURE

BILL.—[Lords].—[BILL 154.]

(Mr. Attorney General.)

COMMITTEE. [Progress 10th July.]

Bill considered in Committee.

(In the Committee.)

Clause 75 (Personal officers of future Judges).

Amendment proposed,

In page 38, line 38, after the word "justice," to insert the words "who shall belong to the Chancery division, a secretary whose salary shall be four hundred pounds per annum, a principal clerk whose salary shall be three hundred pounds per annum, and a junior clerk whose salary shall be one hundred and twenty pounds per annum, and to each of the other judges of the High Court of Justice."—(Mr. Hinde Palmer.)

Question proposed, "That these words be there inserted."

MR. HINDE PALMER, in moving the Amendment, contended that the Judges could not perform their duties without the aid of barristers to read Petitions and other documents, and that, while competent men would take the position of secretary, they would not take that of chief clerk. Perhaps a secretary and one clerk would suffice; but the gentleman occupying the first position ought to be a secretary, and not a clerk. He hoped that the Committee would insist upon some such Amendment.

MR. LOPES said, he objected to the Amendment, because it proposed to draw a distinction between the Chancery Division and the other Divisions of the High Court, by giving one staff to the Chancery Division and a different one to all the other Divisions. He had always understood that the great object of the Bill was to do away with such distinction.

THE ATTORNEY GENERAL said, he could not accept the Amendment, on account of the distinction it would make.

MR. GREGORY urged that Judges could not discharge the duties of Vice Chancellors without the assistance of secretaries. It was not the Judge, but the business of the office that had to be provided.

MR. RYLANDS said, he objected, on the ground that it gave to a section of the Judges an additional permanent staff of clerks. He hoped the Committee would assist the Government in resisting the Amendment, and was not without hope that before they were done with the Bill, they would be able to get rid of some of the staff which it contemplated.

MR. HINDE PALMER said, his Amendment did not involve any increase of staff or of expenditure, but only a change in the description of the staff. He was not prepared to withdraw the Amendment. If the Committee was not prepared to accord his proposal adequate support, it could be negatived in the usual way.

MR. T. HUGHES thought that as long as the important duties were discharged, as now, by competent men, it was immaterial whether they were called clerks or secretaries.

*Amendment negatived.*

MR. VERNON HARcourt moved, as an Amendment, in page 38, line 38, to omit the words "and to each of the Ordinary Judges of the Court of Appeal," the object being to reduce the staff of clerks in the Court of Appeal. It was proposed in the clause to make a new charge of £600 a-year for a chief clerk to each of the nine ordinary Judges of the Court of Appeal. Now, at present, the Judges of the Privy Council had no clerks provided for them, and upon a very reasonable ground — namely, that the business of an Appellate Court was very simple. The case was delivered, and that really was all the Judge had got to deal with. He did not want to starve the Appellate Court, and when the time came would move that the salaries of the Judges should be £6,000 instead of £5,000; but these clerks were unnecessary.

Amendment proposed, in page 38, line 38, to leave out the words "and to each of the Ordinary Judges of the Court of Appeal." —(Mr. Vernon Harcourt.)

Question proposed, "That the words 'and to each of the' stand part of the Clause."

MR. LOPES said, he concurred in the view of the hon. and learned Member for Oxford. There was a vast difference between the duties of the Judges of the High Court and of the Judges of the Appeal Court, and he should therefore support the Amendment.

THE ATTORNEY GENERAL said, the choice of the Members of the Court of Appeal would be much limited if they were not allowed to take their clerks with them. That had been found a great practical difficulty in the constitution of the Judicial Committee under the recent Act. Two or three of the most distinguished Judges declined to accept appointments in the Court of Appeal, because of feeling and consideration for their clerks, and the Government must therefore oppose the Amendment of his hon. and learned Friend.

MR. HUNT said, he was inclined to support the Amendment. It would be better to make a special arrangement for the clerks of the present Judges. It was only fair that the clerks should be transferred with the Judges, or that power should be given to the Treasury to com-

penceate them. It would be better to do that than saddle the country with the expense of a number of useless clerks.

MR. RYLANDS said, they had heard from his hon. and learned Friend below him (Mr. Harcourt), who was an authority, that two of the clerks of the Judges of the Court of Appeal were not necessary. Then why have an unnecessary number of clerks?

THE ATTORNEY GENERAL did not admit that they were unnecessary.

MR. HUGHES said, he was unable to see why the public should be saddled for all time with a number of officers who were not needed.

MR. MATTHEWS suggested words that might be adopted to provide for the clerks of Judges taken from the High Court to the Appeal Court.

THE SOLICITOR GENERAL reminded the Committee that the Bill would remove the officers of the Vice Chancellors, the House of Lords, and the Lord Chancellor, and there must be some one to discharge the duties which had hitherto been discharged by them.

THE ATTORNEY GENERAL contended that the arrangement would be a fairly economical one.

MR. HUNT quite agreed with the hon. and learned Member for Oxford that it would be misplaced economy to stint the Judges of the Court of Appeal in regard to their salaries. Those salaries ought to be such as would attract the best men in the profession. As he understood, there were six Judges required to constitute the Court of Appeal; and in that case if three clerks were allowed to each Judge they would have 18 clerks. He, however, found that it was said two clerks would be sufficient for each Judge; and if that were so, why should they have 'superfluous' clerks? He was therefore prepared to support the proposal to raise the salaries of the Judges of the Court of Appeal; but at the same time he was not ready to provide them with staffs which he did not think necessary.

MR. LOPES said, the real question—a question that should not be lost sight of—was to pay the Judges an adequate salary—£6,000 a-year each, and then they might, if they deemed it necessary, have an extra clerk.

Question put.

The Committee divided:—Ayes 102; Noes 78; Majority 24.

MR. RAIKES, in moving as an Amendment, in page 38, line 39, to leave out "Ordinary," and insert "other," said, he did so because the Committee had just decided that there were to be two clerks to each of the ordinary Judges of the Court of Appeal, and the object of his Amendment was to place all the Judges of the high Court of Justice and the Court of Appeal in similar positions with regard to their clerks and the salaries and pensions to be paid to them.

THE ATTORNEY GENERAL opposed the Amendment.

MR. VERNON HAROURT said, that was a mere waste of money—nine times £600—forced upon the Committee by the Government by means of majorities brought in from the lobby. The proposal was outrageous, absurd, illogical. But what he would recommend the hon. and learned Member for Chester to do was to withdraw his Amendment, and let the clause go down to Westminster Hall in all its native absurdity.

THE SOLICITOR GENERAL said, the hon. and learned Gentleman had talked of the clause as outrageous, absurd, illogical. But the clause was in exactly the same state as when it came down from the House of Lords.

MR. VERNON HAROURT protested against the assumption that the Committee were not to alter anything coming down from the House of Lords. They had been told night after night that the Lords had done this and the Lords had done that, and the Lords must be right. The hon. and learned Gentlemen the Solicitor General and the Attorney General came down upon the Committee time after time and said Lord Selborne and Lord Cairns have agreed upon this, and it must be the proper thing to do. He would admit the doctrine of Privilege; but he trusted the Committee would not be overborne not merely by tyrannical majorities, but by tyrannical language.

MR. MATTHEWS remarked that when the Lords were spoken of as a judicial body the hon. and learned Solicitor General had not language strong enough to condemn them. They were octogenarians and so on; but now, when adhering to their legislative recommendations, he appeared to hold just the contrary opinion.

Amendment negatived.

On the Motion of Mr. Loxes, Amendment made in page 38, line 41, after "per annum," by inserting "and in the case of the Judges of the High Court of Appeal, a Junior Clerk whose salary shall be two hundred pounds per annum."

MR. CAVENDISH BENTINCK said, he wished to put a question to the Government as to the establishment of the Master of the Rolls. It appeared by the clause that the Master of the Rolls was to have an establishment of officials assigned with fixed salaries. If the clause stood in its present form an end would be put to the legal establishment of the Master of the Rolls, and his secretary would receive only £500 a-year instead of £1,200. It was highly desirable the Committee should have some explanation on the subject.

MR. JAMES expressed a hope that the hon. and learned Attorney General would, at some stage of the Bill, make provision in it for preserving the status of Judges' marshals, which was somewhat interfered with by the clause. It was necessary to public convenience that such officers should be gentlemen fit to associate with the Judges, rather than comparative servants.

THE ATTORNEY GENERAL said, it was never intended to interfere in the slightest degree with the position of the marshals. He would take care that words were brought up in the report to secure the marshals in the continuance of their offices.

MR. CAVENDISH BENTINCK complained that no answer had been given to his question. He should, therefore, move that Progress be reported.

THE ATTORNEY GENERAL said, the hon. Member was told last night that the whole of this matter was under consideration. It was therefore impossible to give any answer at present.

*Clause, as amended, agreed to.*

Clause 76 (Doubts as to the status of officers to be determined by Rule); and Clause 77 (Powers of Commissioners to administer oaths) *agreed to.*

*Clause 78 (Official Referees to be appointed).*

MR. MATTHEWS proposed as an Amendment, in page 39, line 31, after the word "that," to insert "each division of." The effect would be to attach

the official referee, not to the Supreme Court, but to each Division of the three Courts. In his opinion one of the great and serious blots of the Bill was the extraordinary amount of patronage thrown into the hands of the Lord Chancellor. It therefore seemed to him that the president of each Division of the Court should have the patronage of his Division.

THE ATTORNEY GENERAL could not accept the Amendment. If the patronage were given to the heads of Divisions, it would leave them open to temptations, and although they might not yield to those temptations a suspicion might be cast upon them from which it was desirable they should be free. The Lord Chancellor, however, was in a position of great independence with regard to each Division. The real question was whether official referees should be attached to a particular Division, or to the whole Supreme Court. He preferred the latter course, as they could then be made available for any Division requiring their services.

MR. VERNON HARCOURT thought it anomalous that the whole patronage should be vested in the Lord Chancellor, although he was practically removed from the Supreme Court. It would be much better that the officers attached to each Division should be appointed by its head.

MR. RYLANDS did not think there was a sufficient check upon the exercise of legal patronage where so many official referees were to be appointed.

MR. LOPES maintained that the Judges had always exercised the patronage they possessed in a most proper manner, and that the patronage of their Courts should belong to the Presidents of Divisions rather than to the Lord Chancellor, who was not to be the head of the High Court, and, being a political personage, would be more open to pressure.

*Amendment negatived.*

MR. MATTHEWS said, he must again raise the question of "referees," to which he had called the attention of the Committee on the previous evening, and in relation to whom he moved an Amendment which was negatived. The question was one of great importance, involving the appointment of "experts" in the various arts and sciences, to whom

it was proposed to refer questions of great importance: What British justice wanted, however, was sworn testimony given by experts, sifted and tested before a Judge and jury, and not a decision by experts alone. They might be very clever in drawing up their reports; but the existing system of subjecting them to cross-examination should be adhered to. As he understood the hon. and learned Solicitor General that system was to be departed from. That hon. and learned Gentleman said, that there were not to be any barristers appointed as referees in the provisions of the clause; but that chemists, engineers, &c., were to have questions in science and art submitted to them as referees. He considered it necessary that legal men should be appointed. He would conclude by moving his Amendment.

**Amendment proposed,**

In page 39, line 34, after the word "referees," to insert the words "any barrister of not less than seven years' standing, or any solicitor of not less than ten years' standing, shall be qualified to be appointed an official referee."—(Mr. Matthew.)

Question proposed, "That those words be there inserted."

MR. GREGORY considered the object of the clause one that deserved the most serious consideration of the Committee. He thought the Amendment an improvement on the clause, but it did not provide a proper substitute for the ordinary tribunal of Judge and jury.

DR. BREWER considered it of great importance that scientific men should be appointed as referees. In his own profession questions of great importance often arose, which ordinary men were not trained in a knowledge of, and in relation to which the professional man must be most competent to report upon.

MR. WHEELHOUSE said, he had not until now taken any part in the discussions on this Bill. No one entertained a greater respect for scientific men than he did; but if they wanted scientific opinions, they should be obtained on sworn testimony, tested by cross-examination. If they were to deal with the English law in the manner proposed, they would commit a great error. It was not necessary for them to be guided by France or Belgium. They should retain that which had the sanction of British law. The scientific man's report on points submitted to him might

go up for inspection and be sent down again for further consideration, and so on several times, thus leading to increased expense. The report, as the clause stood, would be without check. He hoped the House of Commons would exercise common sense, and let the country have the disposal of legal matters confined to legal hands. He said, that with the greatest respect for official referees, and thought that the President of the Tribunal at any rate ought to know something about the law he had to administer.

MR. LOPES, in supporting the Amendment, said, it was most important that they should know who those referees were to be. There was nothing in the Bill to inform them. The hon. and learned Solicitor General told them that they might be engineers, chemists, doctors, &c., and it appeared to him (Mr. Lopes) that they might be shoemakers, builders, mechanics, or men of any other trade; but they must not, according to the hon. and learned Gentleman, be barristers. [The SOLICITOR GENERAL: Not exclusively lawyers.] An hon. Member said, that referees could call in extra assessors to aid them in their investigations; but that was a power which referees should not have, it was a power that should rightly belong to the Judge to direct. It was also said that the referee's report was to be final. But the report might not be correct, and if it could be shown not to be, why should it be final? The hon. and learned Attorney General said, that after the report was made, it would be closed as to the facts; but, however that might be, it could not be closed as to the law. The whole matter was to go back again to the referee; and the effect would be to increase the expense to the suitors. He submitted that those proposals, as in the Bill, were most dangerous, and he should give his vote most decidedly in favour of the Amendment of his hon. and learned Friend, should he go to a division upon it. In conclusion, he would remark that although commercial Gentlemen were absent when discussions on this Bill were going on, they were sure to rush into the House as soon as a division was called for.

MR. RATHBONE said, the commercial men had been present during the debates, and if they had refrained from taking a prominent part in them it was

because they desired the Bill to pass as speedily as possible. In his opinion lawyers would not, in many cases, be the best referees.

MR. W. FOWLER, though favourable to the Amendment, hoped the hon. and learned Member for Dungarvan would not press it to a division, as a number of hon. Gentlemen who at that moment were writing letters in the Library would be sure to come in and vote against it.

THE SOLICITOR GENERAL said, that the clause did not exclude lawyers.

SIR FRANCIS GOLDSMID, in opposing the Amendment, thought that in the great majority of cases lawyers would be appointed; but argued that there were many cases in which it would be wise to give a power to select another class of persons for official referees.

THE ATTORNEY GENERAL said, he would not enter into the question, as it had been discussed on the previous evening.

Question put.

The Committee divided: — Ayes 63; Noes 159: Majority 96.

Clause agreed to.

Clause 79 (Duties, appointment, and removal of officers of Supreme Court).

MR. MATTHEWS, in moving as an Amendment, in page 40, line 24, after "Chancellor," to insert—

"All officers assigned to perform duties with respect to the High Court of Justice shall be appointed by the Lord Chief Justice of England," said, that as that noble and learned Lord was to be no longer the head of that Court there was no reason for his retaining the patronage of the Court.

MR. VERNON HARCOURT, in supporting the Amendment, asked why the Lord Chancellor was to appoint the ushers? The reason was because, as was perfectly well known, they would not really be appointed by the Lord Chancellor, but by the hon. Member for Shaftesbury (Mr. Glyn). If the Lord Chief Justice had the patronage, he would not consult the hon. Member for Shaftesbury; but the Lord Chancellor, who was a political officer, would.

MR. MATTHEWS said, it was not only the ushers, but the official referees, who were to be appointed by the Lord Chancellor. That was an amount of

patronage which it was very undesirable to put into the hands of a political officer.

LORD JOHN MANNERS asked what were really the appointments proposed by this clause to be left in the hands of the Lord Chancellor?

THE SOLICITOR GENERAL said, in reply, that the only patronage he knew of was the appointment of official referees and of certain ushers of the Court. The High Court would sit in the same place as the Court of Appeal, and if the patronage was given to two Judges, each would appoint his own set. It was thought better, therefore, to give the patronage to one Judge as the more economical. Some of the ushers who should act for the Supreme Court would also act for the Court of Appeal.

MR. LOPES said, the chief portion of the patronage was the appointment of the official referees, and therefore the Committee were entitled to ask what would be their number and what amount they would be paid?

THE SOLICITOR GENERAL said, he had answered the question to the best of his ability the other evening. He would, however, now say that the subject had been carefully considered by those most competent to deal with it. The number of official referees would depend on the amount of business, and the acceptance the system set up by the Bill met with at the hands of commercial men. If the reference proposed by it were satisfactory a great many would be wanted, and experience alone would tell how it was best to pay them. It might prove most economical to appoint a referee each time for every single case that was referred, the referee being chosen with regard to his special knowledge of the subject involved in the case. In a sugar case, for instance, it would be desirable to have a sugar broker, in a tea case a tea broker, and in an engineering case an engineer, sitting as referee. The question, therefore, was left open how they were to be paid, whether by fees or by salary, and for the present it was left to Parliament to pay them by annual Votes. The matter was not left to the Lord Chancellor alone, but to the Lord Chancellor, with the concurrence of the heads of Divisions, the concurrence of the Treasury, and the annual concurrence of Parliament.

*Mr. Rathbone*

The ATTORNEY GENERAL said, he was quite willing, if there was any doubt on the point, to insert words as proposed by his hon. and learned Friend. He would undertake to do so on the Report.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 80 (Patronage not otherwise provided for).

MR. VERNON HAROURT said, he had an Amendment to propose. It had often been said that the Preamble was the key to a Bill, but it should, perhaps, rather be said that the patronage clauses gave the proper key. There was a marked distinction made in this clause between the way in which the patronage of the chiefs and those who were not chiefs was dealt with. The patronage of the chiefs was to be continued for their lives, and so was the patronage of the other Judges; but the patronage of the chiefs was to remain for ever as it was, while that of all the other Judges was to "be exercised in such manner as Her Majesty may by Sign Manual direct." What was the patronage they were going to perpetuate? In the Estimates, which they talked so much about, but discussed so little, they would find a list of the personal officers of the Lord Chancellor which might serve as a specimen. The salaries of these officers, of which he read a list, amounted to £7,532 a-year. That — some would call it gigantic, but he called it an infinitesimal patronage — would be an unwise thing to perpetuate for ever, while the patronage of the rest of the Judges was placed under the consideration of the Executive Government for the purpose of revision. He would, therefore, move, as an Amendment, the omission of the words in line 22, from "if incident" to "and" in line 28.

The ATTORNEY GENERAL said, the intention was to leave the patronage where it had always been. However, he had no objection to offer to the Amendment.

MR. HUNT said, he did not see the object of taking these words out of the clause.

MR. BOUVERIE doubted whether the patronage now exercised by the Lord Chancellor in regard to his personal attendants ought to be enjoyed by any one but himself. There was a large

branch of patronage connected with the Probate Court, and the House ought to know who was to exercise it. The Judge of the Probate Court appointed the local Registrars all over the Kingdom. The Masters of the Queen's Bench, Common Pleas, and Exchequer, no doubt, held valuable appointments; but he doubted whether all their patronage should be taken away from persons of such high dignity as the chiefs of those Courts. Some one must select these officials, and it was better to distribute this patronage among a number of people than to centre it in the Government.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 81 to 93, inclusive, agreed to.

Clause 94 (Interpretation of terms).

On the Motion of MR. MATTHEWS, Amendment made in page 45, line 29, by inserting before "pleading," the words "procedure shall include pleading."

Clause, as amended, agreed to.

Postponed Clause 31 (Assignment of certain business to particular Divisions of High Court subject to Rules).

THE ATTORNEY GENERAL moved, as an Amendment, in page 20, line 24, to leave out "and the London Court of Bankruptcy respectively." The object of the Amendment was to transfer temporarily the control of the Court of Bankruptcy to the Court of Exchequer.

Amendment proposed, in page 20, line 24, to leave out the words "and the London Court of Bankruptcy respectively." — (Mr. Attorney General.)

Question proposed, "That the words proposed to be left out stand part of the Clause?"

MR. JAMES said, he objected to the proposal to transfer the whole of the business of the Court of Bankruptcy in London to the Court of Exchequer, on the ground that the Court of Exchequer had not sufficient judicial strength to perform those additional duties in a manner that would prove satisfactory either to the suitors generally or to the country. The Common Law Judges would have to go circuit, and as there were only 15 left at present, and as the Bill would require the services of three, there would be only left 12 Common

Law Judges to discharge all the duties that belonged to their several Courts. Besides, the business of the Bankruptcy Court was of a peculiar character, requiring the constant attendance and watchfulness of one particular Judge who was well experienced in such matters, including the winding-up of large estates, and the dealing with property of considerable amount. The proposal of the Attorney General, if assented to, would cast upon the Barons of the Court of Exchequer duties for which they were wholly unsuited. That was a piece of false economy to which he hoped the Committee would not assent.

MR. W. FOWLER concurred in the views just expressed by the hon. and learned Member for Taunton, and thought that this scheme of false parsimony which characterized the Bill generally would prove in the end to be wasteful and extravagant. The fact was, that more judicial strength was wanted in the Court of Bankruptcy, for a vast amount of business was now disposed of by the Registrars which ought to be done by the Judge.

THE ATTORNEY GENERAL said, all the Courts were overburdened, owing to the waste of judicial strength which our antiquated arrangements had involved. A re-arrangement, he believed, would enable the Judges to do the work of the country. The arrangement now proposed was temporary, and it was subject to the disposition of the Court, which had power to transfer business from one Division to another. He merely proposed, after balancing the convenience and the inconvenience, to transfer the Bankruptcy business from the Division which was most overburdened to that which was least overburdened; and it would not break his heart if the Committee preferred some other arrangement.

DR. BALL said, the matter was one which concerned mercantile interests very closely. He was opposed to the transfer of the Bankruptcy business to the Court of Exchequer, a business which was peculiar in its character, and which should be placed in the hands of a Judge especially conversant with the law and practice relating to it, and always in readiness to administer it. The administration of Bankruptcy Law affected the status of individuals, and it was an anomaly that a man's status

should be in the power of a Registrar instead of that of a Judge. A Member of Parliament had been made bankrupt by a Registrar whose judgment was finally overruled by the Judge, but that did not redress the evil done to the individual. The business of Landed Estates Courts and Bankruptcy Courts should be committed to particular Judges, the Courts should be always open, and the work should no more be delegated to inferior officers than was the administration of the Criminal Law, which was analogous to that of Bankruptcy. The interests of the merchants ought alone to be considered in this matter, and not the interests of the Bar. It was of the greatest importance to the mercantile public to have a permanent tribunal.

THE SOLICITOR GENERAL remarked that the evil of which the right hon. and learned Gentleman complained already existed in England, and that the object of the present Amendment was to remove it. The Registrar now acted, and if the Amendment were not carried, he would continue to act.

MR. JAMES pointed out that the Bill had been most carefully framed elsewhere by those who were most capable of dealing with it, and who had not deemed it necessary to introduce the provision now proposed by the Government. He objected that the direction of business for which special provision ought to be made should be handed over to the Barons of the Court of Exchequer, who were already overburdened with their other duties.

Question put.

The Committee divided: — Ayes 70; Noes 114: Majority 44.

Clause further amended, and agreed to.  
House resumed.

Committee report Progress; to sit again upon Monday next.

And it being now Seven of the clock, the House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

## SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

## ARMY—THE VOLUNTEER FORCE—THE NEW REGULATIONS.

## RESOLUTION.

COLONEL C. H. LINDSAY, in rising to call attention to the military policy of the Government, more especially as regarded the new Volunteer Regulations, and their effect upon the numbers and efficiency of the force, and to move,

"That it is expedient that inquiry should be made into the present state of the Volunteer force, and into the causes that have led to the resignations of over 2,000 officers' commissions, which are still vacant," said, that he was fully sensible of the bold though, to his mind, necessary position which he had taken up by committing himself to the words of the Motion. But he made it with the conviction, right or wrong, that he was fulfilling a duty which he should, as an old soldier and a Volunteer commanding officer, be neglecting if he did not make it. There were two distinct questions embodied in the Motion—the one was the policy of the Government with respect to the Army and the Reserve forces; and the other was its policy with respect to the great Auxiliary or Volunteer force of the country. It was his intention, beyond offering a few brief remarks, to leave the Army question to his noble Friend the Member for Haddingtonshire, and to address himself to the Volunteer question as his special subject. He asserted that the condition of the Army was by no means satisfactory—for reasons which he would briefly give. A great and bold re-organization scheme had, no doubt, been inaugurated, and was on its trial; and, as one would suppose, it should, in justice to its promoters, and on principle, be patiently and considerately watched and criticized. But military opinion had decided that it was far too sweeping, too revolutionary, and too hazardous; in the violent and rapid changes of system which it had effected, to be acceptable as a safe or wise policy, especially as it had been pressed on in direct opposition to a large majority of the leading military men of the day. Let them look at the conse-

quences which were already the result of that policy—results which were fraught with considerable risk to the efficiency of the Army as a fighting body. In the first place, there was great discontent amongst the officers of the Army consequent upon the abolition of the purchase system and its unpalatable results, together with various other ill-judged innovations of a jarring nature—a discontent which had placed them in an unfair and undignified position, as officers who were under the discipline of the Mutiny Act, so much so that more than 2,000 had found it expedient to memorialize the Commander-in-Chief against the invidious and financially unjust position in which they found themselves placed; by which means they had placed His Royal Highness in an embarrassing position, as the friend of the Army and the officers who were serving in it. In the second place, the recruiting for the Army was in a deplorable plight, consequent on the service having ceased to be a *bond fide* profession for the soldier, owing to the short service system now in operation, which had all the bitters of the engagement, but none of the sweets, and which, therefore, offered no inducement worth having for any man to enlist, added to which, the high price of the labour market stood prominently forward in its competition against the military service of the country, upon the present system; the result of which was that, as a rule, the most inferior specimens of human *physique* were gradually taking the place of those able-bodied soldiers of the old régime who were the glory and pride of England. And in the third place, the capacity and power of the control department, which was the mainspring of the great military machinery of the nation, and which was responsible for the health and condition of the Army, was not making that progress in its efficiency so as to command confidence in the minds of military men who were working under it. His argument was, therefore, that the Army of England was in an unsatisfactory condition, notwithstanding that 15 or 16 millions of money were annually expended upon it. He would now pass on to that part of the Motion which related to the Volunteer Service. He said that was also an important subject, touching, as it would do, the position and character of a great national

institution; and although the view which he might take would no doubt invite strong criticism, for which he was prepared, it should not be the less interesting to the minds of those hon. Members who had been for some years identified with the great cause of national defence—a cause which was still, he thought, entitled to the respect and anxious consideration of the country. Now, it was not his intention to make a factious attack on the policy which Her Majesty's Government had thought proper to adopt with respect to the Volunteer Service of the country, nor to charge the nation with any intentional apathy as to its present and future position; nor did he intend to travel in detail over that once interesting ground upon which the starting-post of national training to arms was fixed in 1859—his intention was to criticize the result which that policy had had upon the Volunteer Service generally, as well as upon the present position and condition of the commissioned officers, which, for reasons which he would give, seemed to have become in the first instance irksome and difficult, and in the second instance invidious, discouraging, and therefore discontented; and he did so, not from any party feeling in the matter—far from it; but as a timely warning from one who was deeply interested in, and anxious for, the welfare of what had been so often described to be one of the most remarkable institutions of modern times. It was also his intention to suggest the antidote to the mistaken treatment which had been administered to the Volunteer Service, and which had already sown the seeds of discomfiture and prospective dissolution. Now, with respect to the position of the officers, it might be in the recollection of the House that he asked for a Return a few weeks ago of the number of vacant commissions at that particular time, and he did so in order to compare it with the Return which the noble Lord the Member for Haddingtonshire had previously called for, and received. The noble Lord's Return exhibited no less than 2,233 vacant commissions, and the Return furnished at his (Colonel Lindsay's) request, exhibited—not a decrease, as one would have hoped—but an increase of five up to the 1st of May, and he had reason to believe that there was a grand approximate total of over 2,300 up to

the present time! Now, to anyone who had served as a regimental officer in the Army, and who knew, and was able to appreciate, the great importance that company officers were to the healthy condition and discipline of their men, such a Return as that to which he had alluded was, to say the least of it, somewhat alarming in its relation to the Volunteer Service, and it was one which obviously demanded the serious attention of Her Majesty's Government. There was no disputing the fact that there had been, and still was, a singular want of attraction in the once-coveted officers' commissions in the Volunteer Service, and especially since the new Regulations were brought into operation, and which had been periodically supplemented by increased stringencies; and when he asked himself, as a commanding officer, what were the causes of the retirement of so many of the officers, and why so many commissions were going a-begging, his answer could only be an echo of that opinion which he had so often expressed in and out of the House, and it was this—in the first place, he said it was a disregard, unintentional no doubt, of that independent and patriotic element peculiar to a voluntary undertaking, which created, characterized, and maintained in vigour the Volunteer movement in its early days, and which, from the nature of its constitution, was not calculated to thrive under any undue military pressure in time of peace; and in the second place, owing to what seemed to him to be a want of judgment in dealing with a Service which, though loyal and patriotic in the highest degree, was unable, from its very composition, to comply satisfactorily with the demands that were now made upon it. Now, in his opinion, there were numerous causes which had had, and still had, a deterrent effect upon that most important branch of regimental machinery—the commissioned officers, who, be it remembered, were holding Queen's commissions, and therefore in the same position as the officers of the Regular Army, the Militia, and the Yeomanry. He would mention three causes by way of example—1st, the unequal position and status which Volunteer officers now held in comparison with the Militia and Yeomanry; 2ndly, the system of examination for the officers; and 3rdly, the hard-and-fast line which had been drawn in respect to the attendance of Volun-

teens at battalion and company drill. Now with respect to the first cause, he was, he confessed, not surprised at the dissatisfaction which was felt by those officers at the manner in which their position and privileges as "Queen's officers" had been, and still were, ignored, but which were granted to the Militia and Yeomanry officers; and it was the more apparent now that those three services were by Royal Warrant consolidated and placed in one and the same schedule. He alluded, for instance, to the officers of the Volunteer Service being denied the privilege of presentation at Court, being Queen's officers, when the officers of the other services were granted that privilege. He did not imagine that many would take advantage of what from their present position should be their privilege, as holding Queen's commissions, when their social position, as they were aware, would not otherwise frank them. The right hon. Gentleman had, he knew not why, except to complete his "harmonious whole," converted all Volunteer officers' commissions into Queen's, and as soon as he did so, he stultified his appointments by class legislation, which was unpalatable to officers holding Queen's commissions. Then, again, let him point out how the relative position and status of Volunteer officers had been rendered invidious and unjust in other ways:—for instance, with respect to honorary rank on retirement after a given number of years; for, according to Clause 30 of the Circular, dated April 21, 1878, field officers, captains, and lieutenants of the Militia were to be granted that privilege on a sliding scale, but no allusion whatever was made even to commanding officers of Volunteers and other officers. He wished, therefore, to know, had the right hon. Gentleman no such acknowledgment to offer to those who had been for years devoting themselves to the responsible duties they had undertaken? Were they to be allowed to retire from their respective commands and be forgotten as if they had never existed? He trusted the right hon. Gentleman would afford some information upon the subject. With respect to the second cause for discouragement—namely, the system of examinations for the officers—he would read the 48th paragraph of Clause 9 of the Circular of 28th May, 1872, which was as follows:—

"Every officer, on first appointment to a commission or on promotion, will be required, within one year of his appointment or promotion, to be examined for a certificate of proficiency for the rank to which he is appointed or promoted. Every officer now serving—with the exception of Lieutenant-colonels, appointed as such before the 1st January, 1871, and favourably reported upon by the Inspecting Officer—who is not in possession of such certificate, will be required to obtain it previous to the day of inspection in 1874. Officers who fail in obtaining certificates must again be examined within six months, and in the event of a second failure will be called upon to resign."

Now, he happened to know that the doubt and uncertainty which hung over a Volunteer officer's head as soon as he had been selected, with care and some difficulty, for a commission, as to whether he would be able to retain it or not, pending the examination he had to pass, according to the above Regulation, had a deterrent effect. He alluded to the probationary period of 12 months or so, by which time he must pass through what he might call the toll-bar of an unnecessary form of probation. Now he did not, by any means, object to the examination of Volunteer officers, but he did to the compulsory system and form upon which it was conducted. He objected to the system because, with men of business—from which class, as a rule, they must be drawn—it was harassing, comparatively useless, and technical, requiring as it did, a knowledge which, except in isolated instances, could only be superficial, owing to the want of practice; and it was endeavouring to make *bond fide* civilians into *quasi-soldiers*, and to gain an end which was out of all proportion to the means. It might be all very well to say that there was nothing in the character of the examinations that should be alarming to the most moderate capacity. That was not, and must not be, the question. It was the principle of forcing men, who had other and more important occupations to attend to, through an unnecessary ordeal. And all for what? In order that the right hon. Gentleman might bring every man who bore arms—Volunteers included—withn the magic circle of his "harmonious whole," which, in the case of Volunteers, was contrary to the object and intention of their existence. He (Colonel Lindsay) did not object to regimental examinations, which would be quite sufficient for the purpose; but he did object to the system

which placed an aspiring young officer in a false position for a considerable time after he had been "gazetted." It was, as it were, putting the cart before the horse, by giving him his commission, and then trying him for the life of it. It would be almost better to examine him when a candidate, and confirm the appointment according to merit. He thought that there was only one course to adopt, and that was that every Volunteer, on receiving his commission, should be required at once to attach himself to a regiment of the Regular Army for at least a month, or to the Militia when out for training, receiving a certificate from the commanding officer and adjutant that he had regularly attended the necessary drills, which would be amply sufficient for the purpose, considering that when he returned to his regiment he had his own commanding officer, adjutant, and sergeant-instructor to assist his memory when necessary. Now these things had not been rendered more pleasant by two special Circulars which had been issued last month, which appeared only to add to the stringency—for one dated May 27 directed that all sub-lieutenants appointed since May 31 were to receive "probationary commissions" which were to last for two years—and the second discouraged the appointment of officers from the lower ranks by the commanding officer, for the select men were only "probationary" until they had passed a certain examination. Now, he said these were additional instances of arbitrary control, and consequent causes for discontent and discouragement. The right hon. Gentleman must not be led away by the zeal that was displayed last year, when 11,582 officers and sergeants went in and passed their examinations in a creditable manner. It, no doubt, exhibited a healthy spirit; but it was an effort not likely to be kept up by men of business. Then, the third cause for discontent applied to the men as well as the officers. It was that hard-and-fast line which had been drawn through the battalion and company-drill system; the effect of which would be to punish the majority present for the absence of the minority, which was contrary to the spirit of the Volunteer Service. It was not the actual figure of the line, which was moderate enough, but it was the imposition of any figure at all, and the penalties that accompanied

it, as being arbitrary and unnecessary. He was sure the right hon. Gentleman was not aware how unpalatable such a rule was to men of business who were serving the country gratuitously. He objected also to the rule, because it tended to the abandonment of that continuous and independent system of drill which was so peculiarly convenient to men of business, who could only get away from their employments at uncertain times. And now, having stated what he considered to be some of the principal causes of so many vacant commissions in the Volunteer Service, he appealed to the right hon. Gentleman for a remedy. He asked him for an opinion, and he respectfully submitted that upon that opinion would probably depend the future condition of the Service, as well as the position of many of the commanding officers who were not prepared or inclined to continue upon a system which was depriving the Service of its officers—that was, of officers who should be men of influence and example and who would not accept commissions upon the present terms of the War Office. If the right hon. Gentleman knew how many considerations were necessary in the selection and training of the officers to a sufficient average of efficiency; and if he knew how much the establishment of a company was kept up by the local influence, popularity, and activity of the officers, he would not have used his official screw-driver so freely, and he would surely have paid more deference to the experience and knowledge of those commanding officers before he trod upon ground which was rapidly becoming what he might call the quicksands of the Volunteer movement. There were other causes for discontent amongst the rank and file as well as the officers, but with which he would not trouble the House beyond two or three passing allusions—causes which could be so easily removed, and with advantage to the service. For instance, why should attendance at reviews be excluded for the qualification from efficiency, when everyone knew that there was just as much instruction to be gained as at brigade-drill—and certainly a great deal more than at those ridiculous exhibitions in Hyde Park, which were rendered valueless by the previous and undisturbed occupation of the necessary ground by the British public, who would willingly be guided

by any instructions that were authoritatively given to them? Such an exclusion from efficiency qualification was directly opposed to the opinion of General Ellice, whose Report the right hon. Gentleman had decided to stand by, in answer to a Question lately put to him by the noble Lord the Member for Haddingtonshire. And these were General Ellice's words—

"That all concentrations of Volunteers, under incompetent officers, should be encouraged; merely marching in large bodies, and taking up position imparts useful information."

That extraordinary decision had broken down the Easter Monday Reviews, and done infinite mischief to the Metropolitan Volunteers. It had also broken down the Whit-Monday Review, and very nearly broken down the Wimbledon Review, which had ceased to be popular among the Volunteers, and would cease to take place, unless some inducement was given them to attend. Then, again, why should attendance at the Autumn Manœuvres of last year have been rendered all but impossible to Volunteers by a *sine qua non* of a fortnight's or 16 days' presents for every man, instead of a week at a time, with proper relief, as was the case in 1871, when no less than 5,000 men were able to take advantage of the instruction of which many more would have gladly availed themselves had they been allowed? It was true a concession had been made that year by reducing the compulsory attendance to eight days, and they were obliged to the right hon. Gentleman for returning to the arrangements of 1871; but they could put no reliance upon such an arrangement being a fixed one, from the experience they had had. Then, again, why should another *sine qua non*, as to efficiency, of firing 10 rounds of blank ammunition be imposed, the accidental non-performance of which might disqualify a man who had drilled to the mark, and fired through his class, with that exception? It sounded a small matter, but it was a hard-and-fast line, and therefore harassing to men of business, who would willingly conform if they could. And, why should the £1 efficient be abolished which had worked so well in the early days of the movement? It had told hardly upon many valuable men and supporters of their corps, who were constant at their drill, but whose occupations prevented them

from going to the butts every year, and the consequence was that they had been obliged to leave the Service. And let him ask, why should the adjutants, who were the commanding officers' right-hand and confidential men, be appointed by the War Office, and not as they used to be, upon the selection and recommendation of the commanding officers? Such a regulation was an interference with the commanding officers' necessary privilege, and highly distasteful; for it must be borne in mind that smartness and a thorough knowledge of drill were by no means the only attributes or qualifications necessary for such important appointments. And while he was upon the subject of the adjutants, he was glad to find that the right hon. Gentleman had decided that the adjutants who were appointed previous to 1871 were to receive a step of rank on retirement; the adjutant of the Inns of Court Volunteers, who retired last year, after having served since the formation of the corps, having been given the honorary rank of major, with permission to wear the uniform. They felt, however, that the scale of retiring allowances was a wretched one, being scarcely in excess of the wages of a daily labourer; also that it should be based on length of service, irrespective of age and other causes. Then the case of the contingent allowance was, naturally, a sore subject with the adjutants; an allowance that had been issued to them for 13 years as a supplement to their inadequate pay; and it had been discontinued without any warning or compensation. Now, as that allowance was granted in 1861 to cover contingent expenses in connection with War Office correspondence, at the rate of £4 per company, and at the same time to give a balance to the adjutant as an addition to his means, the withdrawal of it was unworthy of the right hon. Gentleman, and was unjust to a body of officers whose services were far more valuable than their pay and allowances. Then the medical attendance upon the adjutant was a farce which he endeavoured to expose last year, for no medical man in private practice would accept the consideration of 2*d.* per week, except out of generosity; so that the adjutants had virtually to pay for their medical advice, which was hard, considering that by the 40th clause of the last Circular, they lost all their allowance and half

their pay if they were on the sick-list beyond six months. He believed that the noble Lord the Member for Berwick (Viscount Bury) had made several communications on the subject to the right hon. Gentleman without receiving any reply up to that moment. He hoped, however, that he would take the case of the adjutants into his consideration. In his (Colonel Lindsay's) opinion it would have been better to have left what was well alone, and abided by the recommendations of the Royal Commission, which were fully confirmed and accepted as far back as 1863. The hon. and gallant Member proceeded to read extracts from speeches of the Marquess of Hartington, Lord Palmerston, and the present Prime Minister, speaking in terms of the highest praise of the patriotic spirit which had given rise to the Volunteer movement; and of the spirit, energy, and discipline of the force — and then proceeded — Well, that being the undeniable opinion of these statesmen, he (Colonel Lindsay) would repeat his remark, "Leave well alone," and give the Service a helping hand over the stile, instead of throwing obstacles in the path that led to it — obstacles such as were contained in the numerous Circulars or Codes of Regulations, which since 1870 embraced no less than 77 clauses and 317 paragraphs, with reference solely to the unfortunate Volunteer Service upon which they were imposed. If the force was worth maintaining, let it be maintained with an ungrudging hand. If it was not, abolish it with Parliamentary dignity, until the country required its services. But it must be borne in mind that away would go all those clinging and depending particles and offsprings which had rendered the movement so remarkable, significant, and sound. But in the meantime it would be an unwise policy to throw cold water upon the fire of patriotism and extinguish it, for, when once out, not even the fascinating crack of the rifle, which was now resounding from morning till night at Wimbledon, would be able to rekindle it. If, therefore, it was expedient to preserve the movement, what had worked so well should be left alone. But it was only driving a willing horse to death by endeavouring to play the false game of making professional civilians into soldiers. He might be told that that was all very fine, but the

Volunteers drew a capitation grant from the country, and that the country must have a *quid pro quo*; it must, in short, have the pound of flesh. He sincerely trusted that no such ungenerous sentiment might be flung in the faces of men who were not only serving their country gratuitously, but who, from the fact of their being in existence, had engaged to be the first to sacrifice their lives in defence of their country whenever she might be invaded, and which was, in all conscience, a sufficient *quid pro quo*. He now approached what he considered a very questionable policy on the part of Her Majesty's Government, and one which might have a prejudicial effect upon the interests of the Army. He alluded to the announcement contained in the heading of the last Auxiliary and Reserve Forces Circular of April 21st, 1873—namely—

"That it is deemed expedient that the several corps of Rifle Volunteers should be attached to and form part of the Army in the United Kingdom."

Now, that was the dangerous policy, against the chances of which the Commander-in-Chief himself and many other important personages had, some years back, declared their opinion; and now it had been adopted by the present Government—the effect of which would be to place the Army and the Volunteers in a false position with each other. It would act as a deception as far as the public and the Army were concerned, and it would be prejudicial to the Volunteer Service, the public, because it would tend to mislead the country as to the real and available strength of the Army; the Army, because of the following remarkable condition, or limitation attached to the Order, which was as follows:—

"That no persons belonging to the Volunteers shall be required to serve in other manner than that in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected if this Order had not been made,"

which appeared to him to be nothing more or less than what is called in military phraseology an "As you were!" and therefore a nullification, or stultification of the Order, which by Act of Parliament was impossible; and it would be prejudicial to the Volunteer Service, because it would tend to disturb the character of the movement, and impose

*Colonel C. H. Lindsay*

upon its obligations, which were never intended for an unembodied force, whose character was purely voluntary. He objected to that policy, because it morally gave a fictitious or paper credit to the Army in the eyes of the public, of some 160,000 men more than it actually possessed, or could rely upon for any purpose, but the actual defence of the country against foreign invasion, and he objected to it because it trod upon the interests of the Army by affording the peace-at-any-price party and the taxpayer a plausible excuse to keep down its numerical strength, by reckoning the Volunteers being an armed force, as a convenient though shadowy substitute for any deficiencies that might, and undoubtedly would, be found in the muster-roll of the Army. It trod also upon the interests of the Army, because there was no doubt that if the Volunteers were disbanded, the strength of the Army would have to be increased as well as the pay of the soldier. But as long as it existed as a plausible portion of the Army, which that Order deceptively made it out to be, the House of Commons would be very loth to vote a penny more in that direction. That being so, it would have been better if the Volunteer Service had never existed, and the sooner it was abolished the better. Now, to briefly sum up his argument, ten years had elapsed since the Royal Commission recommended the Capitation Grant, and for six years it had been doled out with a grudging feeling; and every obstacle had been thrown in the way of its cheerful payment. Conflicting and unpalatable Regulations had been imposed during the last three years. Volunteer officers' commissions had been converted into Queen's, as in the Army, but their privileges and position were denied them; and now that purchase had been abolished, there could with justice be no difference between them, except that the Army was paid, and the Volunteers were not; and as a climax, the Volunteers were announced to form a part of the Army, which was a pretentious fiction, because it could not be a substantial fact—and this was the result of 14 years hard labour upon the treadmill of national defence. Was it, therefore, to be wondered at that discontent pervaded the Service? If he sat down then, the right hon. Gentleman would naturally say that he had made all sorts

of complaints, but had offered no suggestions for future guidance. He could not act in that way. But he would make the following suggestions, and then sit down. He would say, let the Volunteers work out their own efficiency as they used to in 1862-3, and for several years after, when it was declared, by those distinguished persons whose opinions he had quoted, to be amply sufficient for the object in view. Let the standard of efficiency be tested by reasonable results, and not by arbitrary rules. Let the annual inspection be the test of regimental efficiency, and be reasonably and impartially conducted by Staff officers employed for that purpose, and not by this officer, and that officer, simply because he held a certain rank. Let the Volunteer Service have its own Inspector General, especially appointed to look after it, as was formerly the case, and which worked so well; for it was impossible for any man to embrace the necessary management of a special Service, like the Volunteers, in conjunction with other Services, which were totally distinct in every sense of the word. He believed if any officer could do the work of two or three, it was his own brother, the Inspector General. But as he was confined to his official call all day, and every day, and unable to travel, he was helpless. The visits of the Inspector General were events which were popular, and made much of, which did good, and kept up *esprit* and interest. Well, that was given up, and everything had become flat. Then, he said, let every Volunteer who had been a first-class efficient for three years in succession be qualified for the Capitation Grant during the remainder of his service, provided that he attended the annual inspection and one brigade drill, one battalion drill, and one company drill during the year. Let the hard-and-fast line with its impossible penalties, be abandoned. Let the Boards of Examination be optional, and not compulsory; and let efficient Volunteers have distinctive privileges as citizens under arms for the defence of their country. Upon that system he, for one, would be ready and willing to bear his share as a commanding officer; but unless the right hon. Gentleman was prepared to slacken the reins, which he had drawn so tight, he confessed that he did not see his way. But if he was anxious, as he believed he was, for the

prosperity of the Volunteer Service; let him bear in mind that the healthy and contented condition of the officers was paramountly necessary to efficiency and discipline, and that as long as they continued to hold Queen's commissions they could only be measured by one gauge, and that was by the standard to which they had been raised as Queen's officers, which knew no difference between an officer and a gentleman, and with all the privileges of a gentleman as long as he behaved as one. In conclusion, he maintained that every Government had a responsible duty to perform with respect to that exceptional service as long as it was acceptable to the nation who demanded and therefore created it; and as it was handed over to the guardianship of the present Government as a national charge, when it came into office, it should bear in mind that there were too many important elements, the vitality of which must depend upon the healthy and contented condition and magnitude of the Service, to be lightly or unadvisedly treated by a policy which was obviously unsuited to its character and object. In the first place, the science and art of rifle-shooting was the offspring of the Volunteer movement; and the National Rifle Association, with its gigantic plant and machinery, depended solely upon the condition of the Volunteer Service; and he questioned whether, on reflection, the nation would be willing to part with or risk its present high position by any mistaken policy towards the parent institution; and, in the second place, the opportunity which the Volunteer Service afforded for the continuous training to arms of men who would otherwise not be trained at all, was an important element not to be thrown away, which also depended upon the maintenance of the Service and its admirably organized machinery. He therefore respectfully warned Her Majesty's Government and the right hon. Gentleman who represented it at the War Office, that, in the event of the Volunteer Service breaking down and fading away, the responsibility must rest with the Government that took charge of it in a prosperous and contented state, and not with the commanding officers, who had always fulfilled the trust that was placed in them, and done their best to carry out the original object and intention of the movement;

and who, in its early days, received the confidence of the leading statesmen of the country. He had now stated his opinion as to the causes of discontent, and he had suggested the remedies which would remove them, and in doing so, his object had been to record his opinion upon the policy of the Government, and to stem the current of apathy which that mistaken policy had created, and which appeared to have set in throughout the country—an apathy which was calculated to wipe away the foot-prints of a great national cause, which at one time were pointed in the right direction, but which might yet be brought back to the path upon which they started, and which had at one time gained the admiration of Europe and the approval of an anxious and grateful country.

Lord ECHO, in seconding the Resolution, complimented the hon. and gallant Member on the great public service he had done in bringing the subject before the House. He was glad that the form of the hon. and gallant Member's Motion would enable him to call their attention to the general military policy of Her Majesty's Government. There were two kinds of military policy—a successful and an unsuccessful one. A successful military policy meant safety at home, and the integrity, honour, and independence of the Empire at large; and to these all other considerations were absolutely secondary. Germany afforded an instance of a successful, and France of an unsuccessful, military policy; and the question we had to consider was, whether our military policy most resembled that of Germany or of France. We had to inquire whether our Secretary of State for War most resembled a Bismarck or an Ollivier, and our Commander-in-Chief a Von Moltke or a Lebeuf. He fully admitted the excellent intentions of the Secretary of State for War, who was most anxious to combine efficiency with economy; and he begged to thank him for strengthening the Artillery and for having established a system of Manoeuvres. He would now give shortly what he believed to be the official view of the policy of the Government. If they were to rely on the dicta of official persons, the Army was at present in a most efficient condition; and that the new organization had been carried out in the most economical manner, and upon

a right principle. Certainly the Artillery had been rendered a most efficient and superior Force, but the officials went further, and stated that when the present Government came into power, the Army was the slave of the officers; that they therefore had to purchase it back, and that that had been done in a spirit of justice and generosity. They contended that the officers were not adequately educated for military purposes, and that in future they would be highly trained like the Prussian officers. They stated that the Reserves did not exist, that pensions which were most expensive had been abolished, and that they had established a satisfactory system of short service without pensions. They maintained further, to use the words of his right hon. Friend the Secretary for War, that the Estimates were based on "moderation and efficiency." Thus much with regard to the Army. As regarded the Auxiliary Forces, the official view was that they were in a satisfactory and reliable condition, and that a "harmonious whole" had been created out of the various branches of the Services, and an efficient system of local organization called into existence. That was, he thought, a fair statement of the official view on the subject of Army Reform. He came, in the next place, to the non-official view—that of men who were practical soldiers and who were not in office. They contended that it was quite needless to abolish purchase, and that in abolishing it the Government had acted harshly and ungenerously towards the officers. They added that the officers were the only sound part of our military system, and that it was in reference to the Reserves and the men that the great difficulty arose. They said that the purchase money had been wasted; and that while that was done, the *esprit de corps*, which was so strong in the British Army, had been to a great extent destroyed. They further observed that the result of the policy which had been pursued was that great discontent and dissatisfaction prevailed in all ranks; that the opinions of practical military men were ignored; that the system of short service and no pensions had turned out to be a failure; that the general system of enlistment was hated by the soldier; and that the recruiting was not in a satisfactory state. They added that the Army was at pre-

sent in a thoroughly unsatisfactory condition, and that as far as efficiency was concerned, it was in a better position 20 years ago. They stated in reference to the Militia, that it was insufficiently trained; that the Yeomanry as a cavalry fit to meet cavalry was comparatively worthless; and that the Volunteers as they were—and he cordially agreed with them—were almost useless. They asserted that the harmonious whole, which was said to be established, was a matter rather of name than of reality, and that our military system generally rested on no sound foundation. Those were the two sets of views in the country, and in dealing with them it became necessary to appeal to facts, for the question was one, he admitted, into which politics ought not to be allowed to enter, and such was not only his opinion, but that of the officers of the Army with whom he had come in contact. The facts, however, were not easily got at. Even Parliamentary Returns — though he wished to make no accusation whatever on that ground against his right hon. Friend—were not always to be relied on. As an instance of the difficulty of ascertaining facts, he might mention, as he had mentioned before, that it was said the divisional generals had reported unfavourably of the Control department at the late Autumn Manoeuvres, and that the Report which was presented, bearing the signature of the Commander-in-Chief, was not the original, but an amended Report, and did not give the view which had been first formed by His Royal Highness on the subject. That was a very grave matter, if it was true that the real opinions of the commanding officers could not be got at; and, if not true, the impression was one which ought as soon as possible to be removed. But to come to the facts; was it or was it not true, he should like to know, that discontent prevailed throughout the Army, both with regard to officers and men, and that the system of short service and recruiting was not working well? He ventured to say that very great discontent existed among the officers of the Army owing to the way in which they had been treated. That could hardly be disputed by anyone who looked into the Return which had been moved for by the Duke of Richmond in "another place." The first form of Petition which the officers had thought

frequent changes in the terms of recruiting, nor did he wonder that in May last a longer term of service and the inducement of a pension were offered. He agreed with the hon. Member for Nottingham (Mr. Seely) in what he stated on a former occasion as to the danger of letting loose, after a few years of service, a number of men trained to arms who had to seek the means of livelihood, and, he would add, who entertained feelings of dislike to the State who had had the best years of their life, and then allowed them to pass away unprovided for to any extent or degree. His hon. and gallant Friend the Member for Derbyshire (Major Wilmot) had told him that such was the effect of the present system, that if he were ordered on service he would rather have six of his old companies as they existed in 1853 than eight companies as they now were. But he might be told the Militia was in a satisfactory condition, and he might be referred to the figures of the Militia as they stood on the Estimates. The strength of the Militia of all ranks was there stated to be 135,234, a very imposing figure, but from which a tenth must be deducted for officers, permanent Staff, and non-commisioned officers. The Militia, however, was short of its establishment by 17,807, so that there were only 117,427 of all ranks enrolled. The Army Reserve of the First Class numbered 7,000 regular soldiers. The Militia Reserve was 31,522; but they were not extra to the Militia Force, and to get at the Militia Force that was available these 31,522 men must be deducted, who did not belong to the Militia, but were only trained with that Force. That left for the Militia of all ranks about 85,905 men. The figures looked well upon paper, but they were delusive, for instead of 117,427 men being trained that year, only 103,000 were trained, and if the Militia Reserves were deducted from that there would be only 72,000 remaining. The Militia infantry trained this year amounted to 74,957; but the infantry belonging to the Army Militia Reserve numbered 19,118, which left only 55,839 as the actual infantry Militia Force of this country at the present moment. To make the Militia an efficient and reliable Force it was necessary, in the opinion of competent military men, that they should be trained for one year continuously in the ranks, instead of for

the present limited period. Would the officials of the War Office, in like manner, say that the Yeomanry were in a satisfactory condition as cavalry? Could they contend, for example, against an equal number of foreign cavalry? He feared that some time would elapse before their desired conversion into mounted rifles could be effected. As to the Volunteers, he had been a member of that Force for 14 years, and he could say for them, that at great personal inconvenience they did their duty as well as they could, and endeavoured to make themselves as efficient as possible. In 1860, when the Force was instituted, it was believed that it could be made so far efficient that when there was any danger of war, it could in the time afforded for preparation make itself thoroughly efficient and reliable—reliable in the sense that if trained to arms, and given a certain amount of organization and discipline, it might have been useful in the event of a foreign invasion. But since 1860 we had learnt some lessons. The events of 1866 and 1870 had shown that with the great Continental Powers it was only a word and a blow. Their military organization was so perfect that they did not want any time for making preparations, and therefore if war came upon us we should have no time to spare for the preparations of our Volunteers. That statement was as applicable to France as to Germany under the new French military system. Well, he asked any of his brother officers whom he saw around him, whether they felt that their regiments were in that position, as regarded efficiency and discipline, that they would be prepared at a fortnight's notice to meet such troops as would be brought against them, if the Volunteers had to fight for the defence of their native land? Having entered into this service in the hope of making his country strong, he had seriously asked himself whether under the circumstances he was justified in remaining in the Force and countenancing an untruth, seeing that the Force was now not what it professed to be, and was not to be trusted to meet in the field the Armies to which he had referred. He was bound to say that he did not regret the fact that there were 2,000 commissions vacant, or that there were 11,000 fewer efficient Volunteers this year than last, and he should even be

be a wrong impression, but it induced the men to leave. Again, men on furlough found they did not benefit by the increased pay through the loss of rations. Further, the men complained of having to enlist for general service during the first 15 months of their service, instead of to join a particular regiment. The result of all that was that, instead of getting a thoroughly sound system of Reserves and admirable recruits, he found that desertions had gone on steadily increasing from 3,171 in 1870 to 4,553 in 1871, and 5,861 in 1872; and so far from the Army being 2,000 men over its strength, as stated in "another place" by the noble Lord the Under Secretary of State for War, it was in reality reduced by 8,000 soldiers. He would now turn to the recruiting and the Reserves, and see the class of men they got. According to a Return on the Table they had during the last 24 years obtained the following recruits:—Between the ages of 17 and 18, 2,804; between the ages of 18 and 19, 10,093; at 19 years of age, 8,561; and at 21 years of age and over it, 11,632, making a total of 33,090. In the Prussian Service, out of that total only those who were of the age of 20 and upwards, or 11,632, would be deemed fit to be put in the ranks. It was a startling fact, therefore, that of the 33,090, no fewer than 21,958 would be considered unfit, under the Prussian system, to bear arms. Again, of the 13,000 recruits secured annually, only a little over 4,000 were able-bodied men according to the Prussian standard. They had now about 90,000 infantry of the Line, but so long as the system of six years' service continued, 15,000 men, or one-sixth of the whole, would be under 20 years of age, or not worth paying for. More than that, by a decision of that House, no soldier under 20 years of age was eligible to go to India. The result, therefore was, that these 15,000 men borne on the Home Establishment included not only the United Kingdom, but the garrisoning of Gibraltar, Malta, the Mauritius, Halifax, and, he believed, ports in China. With respect to the Reserves, a noble Duke in "another place" said that they could not be judged of until the year 1876. The noble Duke might have gone farther and said that they could not judge of the result of the six years' service system until 1882. In

that year, however—taking the casualties at 8 per cent—it would require an annual recruiting at the rate of 13,000 men to give a Reserve of 39,000 men. So much for the state of the Army with reference to the question of Reserves, as shown by the Parliamentary Papers. What, now, was its actual condition? On Monday last a review was held at Aldershot, and it was an occasion on which England, as he might say, put its best leg foremost—the Heir of All the Russias being present. He hoped to have found some one at Aldershot who would say something good for the Army, but he sought such a person in vain. What was the field-state of the regiments on that occasion? There were on parade 9,409 men; in the ranks, 5,392; and the casualties, as they were called, including dismounted cavalry soldiers, were 3,893. The three brigades consisted of 15 regiments, and the average strength of each was 417, including affiliated companies, the actual average strength being only 359. What was the state of the companies as they marched past? In the 1st brigade the files were 26, 19, 26, 25, and 25; in the 3rd, 32, 24, 22, 25, and 25; while in the 2nd brigade they were 21, 21, 17, 13, and 21. If we had an ample and satisfactory system of recruiting that state of things would not be so very unsatisfactory; but, as matters were, no more unsatisfactory condition of the Army could well be conceived than the facts he had stated showed. The regiments were in that condition that if we were suddenly called upon to go to war we should have to denude one regiment for the benefit of another, and they were doing in the Army what had been protested against by the officers of Militia regiments—the volunteering from one regiment to another, as the Militia were allowed to volunteer into the Line. Our cavalry regiments were in the same unsatisfactory state as the infantry. On the occasion he had referred to there were only 1,161 horses in the field, giving an average for four regiments of 290 for each regiment. In fact, greater skeletons of regiments, both of cavalry and infantry, he never saw, though the depôts were called in to furnish supports; and all that arose from the shabby manner in which the soldier was dealt with. It was not surprising that, under existing circumstances, there should be

would rest on the Government for not having had the courage to come forward and propose it.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that inquiry should be made into the present state of the Volunteer Force, and into the causes that have led to the resignations of over 2,000 Officers' Commissions, which are still vacant,"—(Colonel Charles Lindsay,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CARDWELL said, he had listened for one hour and a-half to the noble Lord's speech, which was one which he hardly expected to have heard made on the Motion before the House; but he could scarcely say it came upon him without notice, as he thought he had heard all the arguments frequently before, and had on each occasion endeavoured to reply to them. The noble Lord seemed to have found a policy on which an aspiring Minister might go to the country, and believed in universal conscription without the liberty of procuring substitutes, and that the only persons to be exempted from it should be the Volunteers, and that was to be only for home defence. The policy of the noble Lord would, if carried into effect, leave India, which all who had studied the subject regarded as being our principal military difficulty, and all our foreign possessions, without any reliance upon this great country. He ventured to predict that any Ministry who went to the country upon such a policy as that would meet with no effectual support. The noble Lord admitted that in some respects the Government had improved our Military Forces; that they had doubled the force of our field artillery, and had done something towards increasing the efficiency of the cavalry. It must then be a gratification to the noble Lord to hear that the Government had within the last year made large additions to the supply of horses, and that that branch of the Service was now in a higher state of efficiency than it had been for many years before. The noble Lord had said that the Militia was not in a fit state to immediately compete with the veteran warriors of Germany. That might be so, but he could assure

the House that the increase in the amount of training that was given to Militia recruits during the last few years had effected an immense improvement in that great constitutional defensive Force. The noble Lord had complained that the Yeomanry were not equal to highly-trained cavalry; but was he prepared to contend that the Force had not considerably improved under the recent Regulations during the last three or four years? The noble Lord should recollect that Rome was not built in a day, and he should give the Government some credit for the steps they had taken in the Spring to increase the efficiency of that force by appointing Cavalry Colonels to inspect the various Yeomanry regiments throughout the country. The noble Lord, speaking of the Volunteers, had characterized them as being totally useless. For his part, long before he expected to have anything to do with our military Forces, he had expressed in the House the utmost admiration and respect for the patriotic spirit which had given rise to, and had maintained, the Volunteer force in this country. He did not apprehend for a moment that without the Regular Army the Volunteers would be efficient in the field. It would be wrong to entertain such an expectation; but to speak of the Force as being totally useless was an assertion that the facts would not support. He believed that the Volunteer Force was of the greatest value; and he was told by competent military authorities, that with the notice that from our insular position we were certain to have before an enemy could land on these shores, the Volunteer Force could be rendered a most important and efficient addition to the Regular Army before we were attacked. The noble Lord admitted that the Government were acting on the right principle with regard to this Force—all he complained of was that they did not go far enough. The noble Lord had based his policy on three principles—in the first place he wished for conscription for the Militia—that was to say for that conscription which Lord Castlereagh had found to be useless—and he desired to exempt from this conscription the Volunteers—an exception which, when adopted during the great Peninsular War, had led Mr. Windham to taunt Mr. Addington with not only not having raised a defensive Force, but

to have rendered the formation of it impossible, as he had driven 400,000 who would have otherwise been available for militia service to seek refuge in the Volunteer Force. The noble Lord's next principle was, that pensions should be offered as an inducement to enlist; but in the present state of feeling of the country, it would be absurd to seek to burden it with an enormous pension list. In making these observations he (Mr. Cardwell) did not speak in the interest of economy, but of defence; and he said that man was not a true friend of the country who built its defensive system up on so costly a foundation. The third great principle of the noble Lord was that purchase in the Army should not have been abolished. He had heard with astonishment the noble Lord say that night of that Army which had served so nobly before Sebastopol and during the Indian Mutiny, that its only sound part was that system which related to officers, and which had been abolished in 1871.

Lord ELCHO explained that what he had said was, that the system of purchase was one of the soundest parts in our military system; and that it was a waste of public money to do away with it. In doing so, he quoted the dicta of men of military experience, and had expressed no opinion of his own.

MR. CARDWELL was glad to hear the noble Lord disclaim what he had understood him to say; but it was evident that the noble Lord had heard more about the alleged discontent in the Army which had been produced in consequence of the abolition of purchase than he (Mr. Cardwell) had, and it was evident that the noble Lord believed in its existence more firmly than he did. It was quite true that 2,245 officers had signed a Memorial, which would undergo most respectful examination, and would be carefully considered. On that subject he would at present say no more. He knew, however, that sales of commissions in the Army were not going on with that extraordinary rapidity which would result if there were any deep-seated discontent among the officers, when they had only to take the trouble of walking down to Victoria Street in order to get a cheque for the price of their commissions, *plus* their over-regulation value. The noble Lord had been very eloquent on the paltry character of our Reserves. About

four or five years ago the number of our Reserves amounted to some 3,000 or 4,000, whereas we had now 7,000 men in the First Class Army Reserve, more than 30,000 in the Militia Reserve, and nearly 20,000 men serving in the Army who were under the condition to join the Reserve at the expiration of their period of service. He thought that those figures might afford some comfort to the noble Lord, seeing the short time the present system had been in operation. The noble Lord had asked whether the Commander-in-Chief resembled the great General of Prussia or another foreign General—of whom he did not speak with the highest respect—and whether the Government were pursuing the military policy of Germany or that of France? The noble Lord said last year that the foundation of any good military system must be local, and that that was the Prussian system after Jena, which was so effective at Sadowa. In his (Mr. Cardwell's) opinion, the duty of Her Majesty's Government was not servilely to follow any system. The utmost to which they could aspire was to establish a system conformable to the habits, institutions, and wishes of the country. The noble Lord had spoken very disparagingly of the recruits. It was hardly patriotic thus to disparage one's own countrymen in the ranks, and the noble Lord would do well to attach less weight to what he picked up from the outside authorities to which he had referred, and which was not borne out by the Reports of the departments directly concerned.

The hon. and gallant Member for Abingdon (Colonel Lindsay) rather surprised him when in hortatory language he expressed his regret that the Secretary at War had not "let well alone." One would suppose that when the present Government came into office the state of the Volunteer Force was entirely satisfactory—but what was the exact state of the case? The first thing that happened when he was appointed to the War Office was, that a large deputation waited upon him. It was headed by his noble Friend, and comprised several Members of both Houses of Parliament. They had previously visited his predecessor in office, not to represent that the Volunteer Force was in a satisfactory position, but that it could not continue to exist without a very large increase of the Capitation Grant. His

right hon. Friend (Sir John Pakington) had refused that request; but instead of imitating that conduct, and "letting well alone," the Government considered that application. They appointed a Committee to inquire into the average expense of the Volunteer Force, and the Committee having reported that it would require £5s. to sustain that Force, the Government decided to make that the Capitation Grant; only, instead of giving the money *per capita* over the whole body, they determined to give it in a larger sum to those officers who would qualify themselves for commands. It must also be remembered that in the year 1868 there were 1,553 vacant commissions, so that the number which the House was now discussing was not over 2,000, but the difference between 1,553 and the number specified. Well, as he had said, the Government had determined to increase the grant, not by spreading it throughout the whole of the ranks, but by giving it for increased efficiency to the officers, and they had added more than £50,000 a-year to the Vote given by Parliament to the Volunteer Forces. The Government thought it reasonable that a man who sought to command his fellow-men in arms should be qualified by military knowledge to lead them to victory and not to defeat. Surely, his hon. and gallant Friend must admit that the present Government had done a great deal better by the Volunteers, than if it had let them alone. The Government instituted schools, and he was assured by the highest authority—the Inspector General of the Auxiliary Forces—that, although there was a great diminution in the number of officers, there never was a time when there was so great a number of qualified officers in these Forces as at the present moment. They could not have gone to a school, unless the present Government had established one; and the result of the new arrangements was, that 11,582 officers and sergeants had obtained the additional grant by qualifications of special proficiency. Besides those advantages, the War Office had made up the camp allowance; they had armed the Volunteers with the breech-loaders; and they had furnished the Artillery Volunteers with 40-pounders and 60-pounders. It had been said that the examinations had a deterrent effect, and his hon. and gallant Friend added that

two death-warrants had been issued in the shape of two camp Orders, one specifying the number required for special brigade drill, and the other for the annual inspection. His hon. and gallant Friend declared that these were intolerable conditions, but he would be pleased to hear on the high authority of his gallant Relative the Inspector General of the Auxiliary Forces that, generally speaking, the first camp Order had been complied with, and that there was no report of failure. With respect to the second Order, by which two-thirds of a corps were required to be present at the general inspection, at present the cases were extremely rare in which the inspection was postponed, because two-thirds were not present. When his hon. and gallant Friend saw that his gloomy prognostications had failed, he hoped he would feel satisfied that in prescribing examinations which he himself admitted were moderate, the Government had made the Force far more efficient and better than ever it was before. As to the unequal status of the officers with regard to presentations at Court, he was sure that the patriots who had devoted themselves with so much self-sacrifice to the service of their country would not have been discouraged even if there had been any fair ground of complaint, but there was no such inequality of status. All that had been done was, that it was considered that the men who devoted themselves in this way to the service of their country were entitled to hold their commissions, not from a subject, but direct from the Sovereign, and that was the only change which had been made. Next it was objected that they had required a certain fixed number of men to be present for battalion or company drill. He spoke in the presence of experienced Volunteer officers, who knew exactly what the state of the Force had been; and he asked, could there be anything more ridiculous, not to say more foolish, in every way than for an adjutant to go from his headquarters to visit his outlying corps, and to find only two or three men there to meet him? That was an evil which called for a remedy, and it would not have been letting well, but letting ill, alone to have failed to provide for it. He denied altogether that any injury had been done to the Force by that regulation. His hon. and gallant Friend

had touched upon some other minor points, with which he would not occupy the House at any length. His hon. and gallant Friend said that by the Regulations issued from the War Office, the Brighton Review was stopped. But they did nothing of the kind; and for his own part all he knew of it was what he saw in the newspapers, and from that he thought it was chiefly owing to the increased fares which were proposed to be in force during the occasion. As to the complaint that they had last year required the Volunteers who attended the Autumn Maneuvres to attend 15 days; was that, he asked, unfriendly as regarded the Volunteers? He assured his hon. and gallant Friend that the motive of that arrangement was to enable the Volunteers, in the presence of distinguished foreign visitors, and of that vast assembly of their own countrymen who went to witness the Maneuvres, to go through the operation with credit. And it was the opinion of His Royal Highness the Commander-in-Chief that if the Volunteers were to stand by the side of the Regular soldiers and the Militia in a spectacle of that kind, it was desirable that they should have at least a week's military training. But this year, when the operations were to be on a different scale, they would be permitted to go for eight days only. Surely that would not be very hard upon the Volunteers? With respect to the position of the adjutants, the Government had done nothing to injure them; on the contrary, it had given them honorary rank. He supposed that his hon. and gallant Friend would be satisfied with the discussion which he had raised. His hon. and gallant Friend had appealed to him to state his opinions and feelings with regard to the Volunteers. He had expressed them so often that he had scarcely anything to add to what he had previously said; but there was no man in this country who took a deeper interest in the origination of that movement—no man who entertained a higher sense of the value of that great Force, or a greater respect for the patriotic motives which induced them to sacrifice their time and labour to that service than he did. He sincerely hoped his hon. and gallant Friend would continue to devote himself to the cause he had served so long and so well. He rejoiced to know that the great meeting

at Wimbledon was never better attended than in the present year. He trusted that the success of the Volunteer Force would be proportionate to the merits of those who conducted it; and he assured his hon. and gallant Friend that no effort should be wanting on his part, as long as he had any responsibility in the matter, to promote by every means in his power the objects which they all had at heart.

LORD ELCHO, in explanation, denied he had said that the Volunteers were a useless Force.

LORD EUSTACE CECIL maintained that the officers of the Army were discontented, and were only waiting to see what the Secretary of State would do. The moment the officers found their complaints were not listened to, the right hon. Gentleman might depend upon it that he would hear of a great many more sales.

EARL PERCY said, the right hon. Gentleman the Secretary of State for War had not answered the question that had been raised. He told them Government had done many good things for the Volunteers, but he had not told them anything about the causes which had led to the resignation of the commissions of so many officers. They had a large Force without officers. That he looked upon as the most unsatisfactory aspect of the question. The right hon. Gentleman said there was only a difference of some 500 in the number of the officers now as compared with the time when he came into office, and he spoke of that as if it were nothing. That question had been dealt with in a perfunctory manner by the Government, and he hoped it would not be lost sight of by the hon. and gallant Gentleman the Member for Abingdon (Colonel Lindsay). He hoped that if the Volunteer Force was to be continued, it would be well officered and well led.

VISCOUNT BURY said, he should be sorry if it were thought the Volunteers generally concurred in the idea that the changes which had been made had been detrimental to the Force. Having devoted 14 years to that movement, his experience had been that every call made upon the Volunteers to become more efficient was welcome to them. As to officers, he had never found any difficulty in obtaining an adequate supply of admirably qualified offi-

cers. The difficulty was not to find officers, but as in the Army, to find men. He wanted to see the Volunteers not less, but still more amalgamated with the Army, and the more they proceeded in that direction, the better it would be for them. What it was desirable to do was, to get rid of skeleton regiments without officers; and if the right hon. Gentleman would insist on a proper education of the officers, he would do great good.

MR. WHITWELL considered that of the three points stated by the hon. and gallant Member for Abingdon, as those upon which the Volunteers were dissatisfied, two of them had no foundation in fact. On the contrary, there was great satisfaction amongst the officers that they derived their commissions from the Queen. He considered that the changes made had given satisfaction generally to the Volunteers throughout the country, and he should therefore vote against the Motion.

COLONEL C. H. LINDSAY said, although not satisfied with the explanations of the right hon. Gentleman, he would not trouble the House to divide.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," proposed.

\* CHANCERY (FUNDS) ACT—THE ACCOUNTANT GENERAL IN CHANCERY.  
RESOLUTION.

MR. DICKINSON, in rising to call attention to the Return showing the Grant of a Pension to the late Accountant General of the Court of Chancery, and the absence of any special circumstances justifying the Grant, and to move—

"That the Lord Chancellor and the Lords of the Treasury re-consider the question and state distinctly what are the special circumstances which, in their opinion, justify a departure from the rules laid down in the Act 22 Vic. c. 26, s. 7." said, the Accountant General was paid a salary of £2,500 a-year. In 1850 a Select Committee recommended that the salary of the Accountant General should be £2,000 a-year, fixing that amount as sufficiently high, and the Committee of 1864 endorsed the recommendation. He had the power of appointing the broker in Chancery, and

the arrangement which he made with the broker was that he (the Accountant General) should receive half the amount of his brokerage—so that he took that in addition to his salary. In his (Mr. Dickinson's) opinion, his salary and the brokerage brought his income up to £4,200 a-year which he had been in receipt of ever since 1839 to the present year. Thus he had been receiving £4,200 a-year for 30 years. With regard to pension he thought there was no pretence for going beyond two-thirds of the salary in this instance; and he, therefore, asked the House to adopt such a course as would have the effect of checking such an appropriation of the public money.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member had in the course of last Session made a Motion, in which he brought the Accountant General's salary under consideration, and succeeded in introducing a clause in the Bill providing that the Accountant General's pension should be two-thirds of his salary. That provision, in accordance with what was understood to be the feeling of the whole House, including the hon. Gentleman himself, was afterwards changed, the Bill having been re-committed for the purpose. It was settled by the Lord Chancellor and himself, under the powers vested in them, that he should have his full salary under the Act, and it became as irrevocable as the Act itself. For those reasons he held that it was impossible that any further change could now be made in the matter.

Motion, by leave, withdrawn.

THE TICHBORNE CASE—  
THE QUEEN v. CASTRO, *alias* TICHBORNE.  
CONTEMPT OF COURT.  
OBSERVATIONS.

MR. WHALLEY, in rising to call attention to the state of the Law relating to offences known as Contempt of Court, and especially to the recent administration of the Law in the Court of Queen's Bench in relation to the Tichborne Case now pending in that Court, said, that he had on various occasions endeavoured to state his views on this subject, but he had not succeeded, and at that late hour he would therefore confine himself to a very few words. In consequence of the manner in which this

law of contempt had been administered, it was not possible for the defendant to have such a trial as would satisfy the prayer of above 100,000 persons, and at least five times that number whom he had himself seen and heard expressing the same opinion. Complete silence had been imposed on the Press and the public by the action of the Court, and the consequence was that the man was utterly destitute. Even a Petition could not be presented to that House, and he was entirely deprived of the means of defending himself in a prosecution instituted by the Government. After Dr. Wheeler, a witness for the defendant, had been examined by the Solicitor to the Treasury, he received a position abroad, with a salary four times greater than he had ever earned in his profession, so that he was prevented from giving evidence in the defendant's favour. That information he had from Dr. Wheeler himself. He held in his hand evidence which, he believed, would be conclusive before a Court of Justice, but if steps were not taken to bring it before the Court it would be utterly useless to the defendant. He would suggest to the right hon. Gentleman the Secretary of State for the Home Department, that that precedent might in future be found most prejudicial to the administration of justice. He would remind the right hon. Gentleman that he had himself consented to the publication of a correspondence which had passed between himself and the Secretary to the Treasury on the subject. If the Secretary to the Treasury was not prepared to allow this man the money necessary to produce his witnesses, now that the case for the prosecution had closed, he should, at least, take such measures as would ensure justice being done. If not, it would create a general feeling of dissatisfaction in the country.

Mr. BRUCE said, he was glad the hon. Gentleman had been allowed to unburden himself, and he hoped he would no longer think it necessary to occupy the time of the House with that subject. The hon. Gentleman had asked him whether it was not the duty of the Government to have provided funds not only for the prosecution, but also for the defence. He had all along suggested that the course which the Government had taken was not only unusual but in itself wrong. What did the hon. Gen-

tleman think should have been done when the Judge ordered that the defendant should be prosecuted? From that moment, it became the duty of the Government to undertake the prosecution. Had no such action been taken, there would have been a scandalous failure of justice for which the Government would have been responsible. The hon. Gentleman then said that the Government, having done that—having undertaken the prosecution—should also undertake the defence—that they should employ counsel and bring up the witnesses for both sides, forgetful that public prosecutions existed in every country in Europe. What did that mean? How could he distinguish that from any other case? Then the hon. Gentleman spoke of the difficulties to which the defendant had been exposed in consequence of the ruling of the Judges with reference to the law of contempt. Now, he did not deny that there were special circumstances in the case, but if those who advocated the cause of the defendant had conducted themselves with decency and propriety, without making reflections on the Judges or on the conduct of the trial, they might have acted with perfect security, and it was because they had not done so that difficulties had arisen.

Mr. WHALLEY rose to Order.

An Hon. MEMBER: I also rise to Order, Sir, and move that the House be counted.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock till Monday next.

#### HOUSE OF LORDS,

Monday, 14th July, 1873.

**MINUTES.]**—**PUBLIC BILLS—First Reading—**  
Public Records (Ireland) Act (1867) Amendment\* (209); Steam Threshing Machines\* (210).

**Second Reading—**Public Schools (Eton College Property)\* (204).

**Report—**Colonial Church\* (208).

**Third Reading—**Tithe Commutation Acts Amendment\* (171); Indian Railways Registration\* (164); National Debt Commissioners (Annuites)\* (191); Slave Trade (Consolidation)\* (188); Prison Officers Superannuation (Ireland)\* (192), and *passed*.

AFRICA—WEST COAST SETTLEMENTS  
—THE ASHANTEE INVASION.

THE DUKE OF BUCKINGHAM said—seeing the noble Earl the Secretary for the Colonies in his place—that after what appeared in the newspapers that morning, any information which the noble Earl could give their Lordships on the subject of the hostilities between our forces at Elmina and the Ashantees would be listened to with interest.

THE EARL OF KIMBERLEY said, he was much obliged to the noble Duke for giving him an opportunity of stating what had occurred. The summary of news that had appeared in the papers was generally correct. The date of the last despatch received from Cape Coast Castle was the 16th of June. Immediately before that despatch was written the engagement at Elmina referred to in the public papers had been fought between Her Majesty's military and naval forces and a body of Ashantees, in which the latter were repulsed. The forces on that occasion were commanded, the land force by Lieutenant-Colonel Festing, and the naval by Captain Fremantle, and both branches of the service conducted themselves with the greatest gallantry, and were led with the greatest skill and prudence. The Ashantees were repulsed with great loss, leaving not fewer than 200 men dead on the field, besides a great number of wounded. Our loss in that engagement and a slight skirmish which had occurred previously was two killed and seven wounded. Our regular troops were assisted by a body of Houssas, whose bravery was spoken of in the highest terms. The despatch of Lieutenant-Colonel Festing addressed to the War Office, and that of Captain Fremantle addressed to the Admiralty, which gave all the details of the engagement, would be published to-morrow, and therefore he need not enter into details in replying to the Question of the noble Duke. Another operation had been carried out previously. He alluded to the destruction of a portion of the town of Elmina—only a portion of it had been destroyed, because the other parts had remained loyal. That operation was undertaken in consequence of the disaffection of the inhabitants of a portion of the town, who showed a disposition to give aid to the Ashantees. Full notice was given to the inhabitants

of that part of the town which was destroyed to remove, and Colonel Harley stated that owing to that precaution no life was lost. It was to be regretted that such a step should have become necessary, although there was strong ground for suspicion; but he might mention that the removal of the buildings which had been destroyed was not only necessary for the safety of the garrison but was also attended with sanitary advantages as they approached so close to the fort that proper steps would not be taken for the health of the forces. As regarded the probability of an attack on Cape Coast Castle, it was true that deserters from the enemy had informed the authorities that a force of Ashantees encamped at a distance of about 15 miles from Cape Coast Castle and Elmina respectively intended to make such an attack, and that in furtherance of that object scouts had advanced within seven miles of Cape Coast Castle; but Colonel Harley and the officers engaged in dealing with the Ashantees expressed no doubt as to the result of such an attack. As to stores and provisions, their Lordships might remember that on a former occasion he mentioned that two steamers on their way to Cape Coast had been lost, and apprehensions were entertained that a considerable supply of stores had been lost in them. After full inquiry, it had been ascertained that scarcely any military stores were in either of those ships. The whole of the military stores which he had supposed to have been on those steamers had been received at Cape Coast, and they were amply sufficient for all the wants of the troops. He believed the only loss experienced was that of a number of boots and great-coats; though it was possible that some military stores might have been put on board those steamers at Sierra Leone. If this was the case, such stores were lost; but none had been sent in those steamers from this country. A large supply of provisions had been sent out already, and much more was about to follow, in the shape of maize, rice, and other food suitable to the population.

THE EARL OF LAUDERDALE observed that the statement of the noble Earl the Secretary for the Colonies was satisfactory as far as it went; but he ventured again to suggest that the

natives should be armed and drilled for the purpose of service against the enemy in the interior. He understood that intelligence had been received up to the 23rd of June, and at that time there was a demand on the part of the colonists for gunboats to secure the safety of tribes under our protection.

CHURCH ASSOCIATION—CONFESION  
IN THE CHURCH OF ENGLAND.

MOTION FOR A SELECT COMMITTEE.

Lord ORANMORE AND BROWNE, in calling attention to this subject, said, the only reason he brought forward so important, so very difficult a question, was because no Member of the House more entitled and more capable had done so, and because he believed, with the Archbishops, not only that our national institutions for the maintenance of religion were endangered, but that those institutions were unjustly perverted to teaching antagonistic to them. He thought measures should be taken to stay this course of teaching within our Church, and that this branch of the Legislature, where the heads of the Church and the laity met together, was the most appropriate place to consider what measures should be taken towards that end. As to the reply of the Archbishops to the Church Association, he must say that he rejoiced that at last the efforts of that association were acknowledged as beneficial, and that, however tardily, their Graces had condemned Confession as having no place in our Church. It was acknowledged that the Petition of the 480 clergymen to Convocation expressed the views of a much larger number of the clergy than those signing. The Archbishop of Canterbury so stated in the Debate in Convocation, an eminent Member of the Church Union had stated to him they could easily have obtained ten times as many. This Petition asked for Sacramental Confession, the reservation of the Eucharist, the use of Unction in baptism, in confirmation, and in the visitation of the sick, the consecration of oils by the Bishop, and the administration of Holy Communion at burials and at other commemorations of the dead; also a proper preface for the feasts of the Blessed Virgin. The petitioners claimed these developments because other irregular developments had been already sanctioned by the Bishops. The

clergy of this school and the Church Union, who were their representatives, prayed, as in the case of the Purchas judgment, the Bishops to ignore the decisions of the Privy Council when such decisions were displeasing to them—that was, the clergy of the Established Church who held their position and emoluments only under the law, claimed a position above or independent of the law. All these developments which, if not Roman Catholic, were ultra-Catholic, and contrary to all the principles of our Established Church, were already carried out by special services published in a book called *The Priest's Prayer Book*. The preface to this thanked the Bishops and theologians who had corrected the proofs; and that this book was much used in spite of the Clerical Subscription Act, which required the use of the Common Prayer and no other, was shown by the edition he held in his hand being the fifth. Besides the points prayed for in the Petition, there were services for the Life Profession of Brothers and Sisters, a Litany for the Dead, an Office for Unmarried Women after Childbirth, &c. On the acceptance of these practices and these doctrines, Archbishop Manning, Dr. Newman, and no fewer than 200 or 300 clergymen of the Church of England had fait themselves bound to join the Church of Rome. While we regretted that their convictions led them to take this course, we must respect their honesty, which brought out in painful contrast the conduct of those clergymen who, holding these ultra-Catholic views, still held also their emoluments and position as clergymen of the Established Church. Did they do evil that good might come? Did they remain in our Church to educate her people in these ultra-Catholic doctrines and practices, looking for Disestablishment and their share of the £90,000,000 which the Premier had stated would then accrue to the Disestablished Church of England? It was quite certain the right hon. Gentleman would not refuse them their share on account of their Catholic propensities. Could any system be imagined more contrary to that straightforward dealing on which Englishmen used to pride themselves? Could any system more tend to lower the whole tone of public morality than for clergymen, claiming a higher degree of sanctity than their neighbours, to allow themselves to

be induced by any sophistry or casuistry to adopt a line of action so indefensible? In the debate in the Upper House of Convocation, the Bishops all agreed that Sacramental Confession was contrary to the mind and alien to the practice of the Church of England. They all agreed that the Confessional was now commonly practised in the Church. They all assented to the fact that great peril arose in the Sisterhoods from the Confessional, as well as from young men confessing young women; and that great scandals had arisen from these causes, which the Bishops had no power to prevent. Yet the right rev. Bench expressed sympathy for some kind of Confession, which evidently went beyond that intended by the Prayer Book. He did not know what kind of Confessional they wished, but he must refer the House and the public to what it was likely to be, from the instructions which were given to a priest in a book called *The Priest in Absolution*, &c. This book was published by Joseph Masters; it was Part I. and the second edition. On applying for the second Part, the publisher said he could not give it without the consent of the author, the Rev. J. C. Chambers, who replied that the second Part was reserved for Priests specially recommended. What Part II. was he could not say, but he could not understand how it could be a more filthy production than Part I. He had not read it through, and he would not abuse the Privileges of the House by reading extracts, for if he read them elsewhere he would assuredly be liable to imprisonment under Lord Campbell's Act, for its contents were in great measure the same as *The Confessional Unmasked*, being in great part a copy of Dens' *Theology*, explaining how a confessor was to act in questioning with regard not only to every natural and unnatural crime that could be committed, but as to every foul thought which could be suggested by the foulest imagination. Should any noble Lord doubt his accuracy he would lay the book on the Table, and refer him to pages 24 and 64, but he could not advise their perusal. A most distinguished Member of the right rev. Bench (the Bishop of Peterborough) had "denounced the Confessional as an outrage on decency and common sense." He said—"I maintain that taking God's place without God's attributes it is impossible, however prudent a priest may be, to

avoid instilling vice by the Confessional." So much for the Confessional in our Church! But it had been alleged as more advantageous to accept all Roman Catholic doctrines into our Church than that those holding them should leave it. Let us learn the results; from the *Catholic Register* of February, 1873, it appeared that in London alone 2,000 perverts had joined the Roman Catholic Church. The *Register* stated that "a regular stream came from the different Sisterhoods and Ritualistic congregations." Let us see how dispassionate lookers on view this movement. The *Allgemeine Zeitung* spoke of England as the El Dorado of Popery—that while it was opposed in every other country in Europe, it met with every encouragement in England, where to become a Catholic had among the aristocracy and upper ten thousand, especially among the ladies, come to be a mark of *distingué* fashion, against which the arguments of common sense were as little availing as against any of the other freaks of the reigning mode—as crinoline yesterday, chignon to-day. But the question was, what remedy would you apply? First, he would ask the Bishops, "Do you exercise the powers you undoubtedly possess to repress and discourage the different practices of the High Church party?" They could inhibit clergy belonging to other dioceses from preaching in theirs. Well, the Bishop of this diocese allowed Mr. Bennett and Dr. Littledale, the extremest members of the Ritualistic clergy, to preach in London. Indeed, the only case of inhibition he had heard of was by the right rev. Prelate on the front benches (the Bishop of Winchester), who inhibited a clergyman of the diocese of London from giving Protestant lectures in Lambeth, though the same lectures had been given with the approbation of two successive Bishops of London, and this in spite of the 66th canon, which specially directed Bishop and clergy to preach to Popish recusants. The right rev. Prelate smiled; but he would like to hear some explanation from the right rev. Prelate. Would not the practice complained of be discouraged if this canon were not laid aside? Then, the Bishops had large patronage, but it was stated a right rev. Prelate (the Bishop of Peterborough) had given half the patronage in his gift to the clergy who

signed the protest on the Parchas judgment. Then the Bishops could revoke licences of curates. Half the signatures to the petition to Convocation were by curates. He doubted not they should hear excellent reasons why their licences were not revoked. Was it true that one of them was curate to the Examining Chaplain of a distinguished member of the right rev. Bench (the Bishop of Winchester)? If he remained in that position, would the public think that the Examining Chaplain disapproved the prayer of the petition? and if the right rev. Prelate continued his Examining Chaplain with a curate holding these views, it would be difficult to convince the public that the right rev. Prelate disapproved them. Then, though no layman could take action against a clergyman without the consent of the Bishops—after the Church Association had at great expense proved what was the law of the Church—yet he believed there was no case at present of any Member of the right rev. Bench taking proceedings to stay illegal practices, though a right rev. Prelate had in Convocation alleged that no Church in the universe was in so great a state of disorder as the Church of England. Then, if the Bishops wanted new powers, why did they not come to Parliament and ask for them? The right rev. Prelate (the Bishop of Peterborough) in a debate on a Bill proposed by the noble Earl (the Earl of Shaftesbury), said that a Bishop was in the position of a Commander-in-Chief of an Army. He would ask him what would be said of a Commander-in-Chief who, with mutiny in his camp and his Army dwindling away by desertion, looked on and did nothing? Doubtless, the difficulties were great, as was the responsibility; but he believed if they had been faced in a courageous spirit they might never have existed, and that even now, by earnestness and vigour, they could be at least stayed. If not stayed, they would be constantly increasing; for, if not discouraged, ambition would make all the younger clergy join the Ultra-Catholic party, and through the churches and schools and pulpits of the Ritualistic party these doctrines were being daily propagated. In the upper classes he thought they were fools playing with edge tools, but they had their choice of schools and churches; not so the poor in rural parishes. It

was to them the wrong was done—a grievous wrong it was; for in many such parishes they chose between the parish school and church or none at all. They would not allow a Roman Catholic priest to cross their threshold, but they received the clergyman of the parish as their natural guide, and did not the Legislature and the Bishops do the poor a great wrong if a minister of the Established Church only led them to accept Roman Catholic teaching, thus becoming a propaganda of Rome? But many would think that the Established Church was safe because Mr. Miall's Motion was rejected by so large a majority; but let them consider how entirely Protestant in their feelings were the electors who returned that majority. Their minds were, it was true, at present far more occupied with the pursuit of material comforts than religious questions; but they had shown their Protestant convictions for though they had returned Jews, they would not return a single Roman Catholic to represent them. He firmly believed they held to the saying that the Established Church was neither high nor low, but broad—not high enough to include Roman Catholics or Ultra-Catholics, not low enough to include sceptics or infidels, but broad enough to include within its pale all Protestants who accepted an Episcopal form of Church Government, and which extended its countenance and support to all Bible Christians whatever the form of Church government they selected. It was on these principles that the Church of England had till of late retained the sympathy and support she had secured during the three centuries of her existence; she had been regarded as the great centre round which all Protestants revolved, and if she were false to her Protestant character her knell was already sounded. It was his intention to take the opinion of the House on the Motion of which he had given Notice, perhaps not with a view to appoint a Committee at this late period of the Session, but as a declaration that some action was necessary to stay the advance of those dangers which threatened our Church.

*Moved* that a Select Committee be appointed to consider by what legislation or other means the danger apprehended of a considerable minority of the clergy and laity desiring to subvert the principles of the Reformation may be averted.—(*The Lord Oranmore and Browne.*)

we, the Bishops, desire to see kept. One other point I wish to mention for your Lordships' consideration. Of late times there has been one great obstacle to the establishment of these objectionable practices among us, and that is the existence of the High Court of Appeal, which in almost every instance has ordered these illegal practices to be discontinued. I beg, therefore, that if your Lordships in your wisdom shall substitute another Court for the Court of Appeal, which for a long time past has pronounced its opinions upon this subject, you will see that the new tribunal is thoroughly able to enter into the whole of these difficult questions, and that nothing is done to encourage certain persons calling themselves the English Church Union, who have placed in my hands a paper in which they declare to your Lordships and the whole country that they consider the decision of lay Courts in these matters possesses no spiritual or ecclesiastical validity. These persons call upon the Bishops not to pay any attention to the decisions of the highest Court of Appeal, because they would thus give a spiritual validity to these decisions. I think it is worth your Lordships' while to consider whether you ought not in every way to strengthen the hands of those who desire to see that the law of the land and of the Church is obeyed in these matters. It is a most unfortunate thing, as I have said, that any Professors of Theology in one of our great Universities should have expressed themselves against that which is pronounced to be the law of the Church. I consider it also a great misfortune that certain clergy connected with the cathedral of this metropolis should publish their determination to violate the law of the Church and of the land; and I cannot but think that a great responsibility rests upon those who appoint to posts of influence in the Church to see that they nominate persons who are perfectly loyal, not only to the general principles of the Church of England, but also to the law of the land and of the Church, as interpreted by the highest of our Courts.

THE BISHOP OF WINCHESTER: My Lords, I wish to say a word or two upon one part of the speech of the noble Lord who has made this Motion. He has stated that I, because I differ from the opinion of a certain clergyman, in-

hibited him from coming to my diocese and preaching in it, and that this was the more wrong because two right rev. Prelates of the diocese of London had in succession given him permission to deliver the very lectures which I inhibited him from delivering. Now, I certainly smiled when this was said by the noble Lord; but I smiled simply because of the tissue of mis-statements made by the noble Lord. First, I did not inhibit the rev. gentleman; secondly, I did not differ from that which he wished to deliver; thirdly, no Bishop of London ever did licence the delivery of those lectures. These being the real facts, I hope I did not do very wrong in smiling. The case lies in a nutshell. A clergyman in the diocese of London, who in his own church—not with any licence from the Bishop, but from his own natural authority as incumbent—had delivered certain lectures, proposed to deliver in St. Saviour's Southwark, in my diocese, in which he had no cure, a set of lectures against the Roman Catholic Church, which may have been the same lectures as he had delivered in his own church. The churchwarden of St. Saviour's came to me and said there was a general objection to these controversial subjects being brought in this way into the church by a stranger to the diocese. St. Saviour's is a peculiar church, for it has two conjoint vicars, one of whom had given his permission to the delivery of the lectures, while the other sent the churchwarden to me to say he objected. Therefore I did not inhibit the rev. gentleman, but wrote to him a private letter, telling him that, under these circumstances, I could not let him deliver the lectures; that from all I had heard of his preaching I should rejoice to have him preach on my side of the water; and that, though, under the circumstances, I could not allow these controversial lectures to be delivered in St. Saviour's Church, I should be very glad, after he had sent me a syllabus of the lectures, to hear them delivered to the young men of Southwark in any of the many halls that were available for such a purpose there. I do not think that in this matter I showed myself tyrannical or overbearing. It certainly was never my wish to silence one for whom I have a very great respect, and who, I believe, judging from his letters, has a kind feeling towards me. I think I could say

exactly who gave the noble Lord his brief; but he has been misled, for, as I have said, I inhibited no one; I did not differ from the rev. gentleman in opinion on the subject of his lectures—I was ready to welcome him to my diocese; but, upon the objection of the other vicar and the churchwarden, I certainly did object to the delivery of the lecture in that particular church. I am not going to enter upon the wide subject which has been introduced to us by the noble Lord; but I cannot pass over another charge, brought against the Rev. Dr. Woodford, my examining chaplain, because a curate of his is said to have signed this foolish address. It may have been so; and the curate may have been the very man who, in signing the address, thought he was petitioning against the Burials Bill; but Dr. Woodford would not have fallen into such a mistake, and, being in no danger of making such a blunder, he is just as far from the still greater danger of understanding what the address was about and then signing it.

**THE MARQUESS OF SALISBURY:** I am not one to under-rate the gravity of the duties of the most rev. Prelate, but I feel bound to protest in one respect against the manner in which he has thought fit to perform them. I cannot think that it is either convenient for the conduct of your Lordships' debates, or just to individuals, that the most rev. Prelate should select this opportunity for uttering condemnations of a strong and grave character against persons who are not present, and whom he would have other opportunities of censuring if he thought fit. I do not know what petition he refers to; but I do know that if a Member of the Government had referred to some Paper which was not upon your Lordships' Table—especially if it affected the conduct of individuals—we should at once have interfered and called him to Order, requesting him first to lay the Paper before the House. I do not think it is fair to apply to these Professors language so very grave as the most rev. Prelate has used, imputing to them a dereliction of duty, in reference to a Paper which is not in our hands, and from which, therefore, it is impossible to select any passages which might, in our opinion, show that the most rev. Prelate has done the Professors injustice or has misunderstood the course

they have taken. I must make a similar protest as to his allusion to particular clergymen. If a clergyman has done wrong, let a Bishop exercise his episcopal authority in correcting him; but do not let any Bishop who thinks a clergyman has done wrong attack him in an Assembly where he cannot defend himself.

**THE ARCHBISHOP OF CANTERBURY:** I alluded to no particular clergymen.

**THE MARQUESS OF SALISBURY:** The most rev. Prelate alluded to certain clergymen who had signed the petition, and therefore, of course, they were all included in his condemnation. It is a grave thing to tell four or five gentlemen that they have committed a breach of the law; and their answer may well be that they take a different view of what the law is, and do not consciously disobey it. If censure is thought necessary, it should be pronounced in another place and after proper investigation. I am not venturing to pronounce an opinion upon the conduct of the Professors. I am only protesting against a course which seems to me contrary to the spirit of equity and of fairness to individuals which always characterizes your Lordships' deliberations. Some other observations made by the most rev. Prelate also seem to me open to objection as being out of Order. The most rev. Prelate canvassed certain alterations made in the constitution of the Final Court of Appeal by the Bill which is now in "another place." I will only say with respect to his remarks on that point that, however grievous may be the language which, in his judgment has been used by the President of the English Church Union, that misconduct has occurred under the existing system, during the continuance of the present admirable Court of Appeal, and, therefore, forms no argument against attempting to reform that Court. I earnestly trust, with the most rev. Prelate, that in making any change in the constitution of that Court your Lordships will be careful that persons thoroughly qualified to interpret the law of England are placed there; and I think that no persons can be better qualified than such as have been trained in the study and practice of the law. The question which the noble Lord on the cross-benches (Lord Oranmore) has raised is, no doubt, a most important one. I am sure, however, he will feel that whatever we may think of

his opinions it would be absolutely impossible for us at this period of the Session to adopt the course he has suggested. The general judgment of the public and the emphatic expression of your Lordships opinion on the subject will no doubt have their due effect upon those few persons who incline to these objectionable practices. Among the English people generally—among thinking men—there is no difference of opinion upon this question of "habitual confession." We have seen it tried in other countries—it was tried in olden time in our own—we know that besides its being unfavourable to that which we believe to be Christian truth, in its results it has been injurious to the moral independence and virility of the nation to an extent to which probably it has been given to no other institution to affect the character of mankind. I believe that if there are men in this country who think they will ever persuade the English people to adopt the practice of "habitual confession," they are proposing the most chimerical and the wildest scheme that ever entered into the heads of any men. No doubt our Church does not encourage "habitual confession," and the practice is opposed to the religious convictions of the English people. But it is not only a religious question. It so happens that this practice is deeply opposed to the peculiarities and idiosyncrasies which have been developed among the English people ever since they became a free people. The English people are specially jealous of putting unrestricted power into the hands of a single man. More than any other system the practice of "habitual confession" does put unrestricted and irresponsible power into the hands of a single man. An Englishman values and cherishes as a precious treasure the privacy of his family life—he looks with abhorrence upon any system that introduces another power into that family life, that introduces a third person between father and daughter and husband and wife. I believe that these reasons, apart from religious doctrine, have such powerful influence upon the English people that it would require the very strongest convictions of a positive revelation to induce them to conform to a practice which is so utterly opposed to their habits and feelings. Under such circumstances, and with this

opinion of the convictions of the nation on the subject, is it not, I ask, a natural inference, that we—that some of us—are giving way to an undignified panic? If a few clergymen have signed, consciously or unconsciously, the Memorial in question, there are 20,000 clergymen in England; and a percentage of  $2\frac{1}{2}$  of folly is but a small proportion among so large a body of men. I doubt whether the two Houses of Parliament, if tested, would escape with a much lighter weight of folly. The grown-up male population of this country will never confess—there is not the slightest danger of the introduction of that practice among them. I venture to say if an account were obtained of the number of middle-aged men who confess it would convey very important information. That number, I believe, would be shown to be so small that no fear need be entertained of the introduction of "habitual confession" among the husbands or fathers in this country; and the authority and influence of husbands and fathers in this country is not so low as to give us any cause for fear lest the practice should be introduced into their families. If this be the case, surely there is no reason for the vehement language or the expression of such fears by the noble Lord, nor for the indiscriminate censure which the most rev. Prelate has thought it right to utter. In a matter of such importance the people of England may be left to take care of themselves. I should be deeply grieved if any large proportion of the clergy betook themselves to the practice of "habitual confession"; but, as I am quite sure the laity will never surrender themselves to the practice, I cannot see that we have grounds for any great alarm.

THE EARL OF HARROWBY said, he had listened with the greatest satisfaction to the denunciation of the practice of systematic Confession which had fallen from the noble Marquess, his noble Friend behind him, and he hoped it might be useful in many quarters; but he could not concur with him in the estimate which he had formed of the extent of the evil, or think with him that it might safely be neglected. He could not think that because as yet perhaps few men of middle age could be found to practise it, therefore it was safe to wish to ignore its existence among women and among the young of

both sexes, among whom undoubtedly it prevailed to a great extent, and among whom every effort was made to extend it, not by a few scattered clergymen here and there, but by a body of men organized for the purpose, some of them placed, as we have heard from the most rev. Prelate, in positions of honour and influence by the Crown, and he (the Earl of Harrowby) would add also, by Bishops themselves, as well as by many private persons. He (the Earl of Harrowby) held in his hand a paper, reprinted from *The Rock*, containing the names and whole organization of this body, and it was fearful to observe the influence which they were enabled to exercise in the future destiny of the country. Was it a matter of indifference, however safe they might feel themselves, to what fearful influences their wives, their daughters—aye, and their sons, too—were exposed? The real question, after all, was—What was the remedy? He (the Earl of Harrowby) was afraid that it was not easy. The disease could scarcely be met by simple legislation or by the enforcement of law. The practice could not in itself be forbidden, like certain Ritual practices in Churches, because in itself Confession was lawful in our Church, if not systematic, or enforced upon the conscience. Perhaps their Lordships would allow him (the Earl of Harrowby) to quote upon this point the solemn saying of a deceased Friend of his, the late Bishop of Lichfield. On the last day of his life, he (the Bishop of Lichfield) was attending a public meeting on behalf of a public school, the system of which, rightly or wrongly, had been suspected of encouraging the practice of Confession. The question arose from the meeting—"What about Confession?" The Bishop rose, much agitated, from his seat, and said—

"If Auricular Confession is alluded to, that belongs to the Church of Rome, and I could have nothing to do with it; the Church of England does not encourage Confession. It only permits it on certain occasions."

Having said this, he sat down, and they were the last words he spoke in public, for he died that evening. Well, the question still remained—What was the remedy? I can well understand the difficulty which the Bishops have in meeting evils of this kind by process of law; the expenses, the uncertainty, the odium

attached to the prosecution of individuals, some, at least, of whom are men of known piety and learning, and many of, at least, activity in their parishes, whether wisely exercised or not. The odium, I say; for it is the habit of Englishmen to be very zealous in the prosecution of a criminal, but, as soon as the prosecution is successful, to be equally zealous to get him off. There are 50 reasons by which a Bishop may be deterred from entering on a course of prosecutions, and nothing but a course of prosecutions is allowed to be effectual in the modern ethics of the Ritual clergy. But there are doors of influence still open to a Bishop, more effective in meeting an evil like this of Confession, than any prosecution. In their Charges, in their Ordinations, by private admonitions, and, above all, in their patronage, and in their support of institutions, they must show their sense of the danger and of the enormity of the evil. The remonstrances of the laity in regard to Romanizing practices must not be met by the cold shoulder, so often presented to them on such occasions, by representations of the value of peace and quietness, and by the representations that they had better look to their own deficiencies than be watchful over the excesses of others. Let the opinions of the Bishops, individually or collectively, in a matter of this kind be never left in doubt, so that everyone may know, that if practices of this nature are pursued, they are pursued in defiance of the wishes or authority of their superiors, and not as a school of thought within the Church, which may safely be looked upon with toleration, if not with indulgence. If such were the tone of our Bishops, the laity would willingly entrust them with some power, if necessary, for the protection of their families and congregations. Meanwhile, let them use the means of influence which they now possess, and which have been, in many cases, so far, very imperfectly employed, and let the Crown do its part by not placing in positions of influence those who cannot be entrusted with the faith and morals of the nation. Then might we hope that some check would be placed to the extension of these pernicious practices, dangerous as the Church of Rome acknowledged them to be, and therefore fenced round by her within her pale with many securities and

precautions, but doubly dangerous within our own National Church, because such precautions were not possible, even if it were desirable to admit them.

**THE ARCHBISHOP OF YORK:** My Lords, yielding to the fashion of the moment which seems to be that when anything goes wrong Archbishops must bear the blame, the noble Marquess (the Marquess of Salisbury) has been very severe on the most Rev. Prelate for presuming to allude in this debate to the change in the Ecclesiastical Courts. The noble Marquess forgets that he was the first offender in this respect, when, the other night, in the midst of another subject, he suddenly told us with unconcealed glee that a change in the Ecclesiastical Courts had just been adopted in "another place." I am not going to follow that example—to discuss a subject with which at present we have nothing to do. The noble Marquess is very zealous that questions of pure law should be decided by lawyers. Questions of ritual observance, of inspiration, of the real Presence in the Sacrament, may be questions of pure law, and only to be understood by lawyers. But the people of this country understand the matter much better than the noble Marquess supposes. They will not be led away by his epigrammatic sentences. They are aware that the change in this Court has not been striven for merely to vindicate the rights of lawyers over questions of pure law. And now, turning to the subject before your Lordships, I will ask you to remember that it is not a difficulty of yesterday's growth. On the 1st of April, 1851, Sir George Grey sent to the Archbishop of Canterbury, by command of the Queen, an Address signed by nearly 250,000 churchmen, against changes and innovations in divine worship, with a letter recommending the Archbishop to take measures for giving effect to the prayer of the Memorial. Twenty-two years have elapsed—a whole generation of the clergy. And now the noble Lord brings before this House exactly the same complaint, but against a different generation of men. It is all very well to charge the Bishops with this condition of things; but if we look a little deeper we see that no amount of supineness on the part of the Bishops would account for the fact that in the face of a fear existing a generation ago, patrons of benefices and dignities have placed in

those positions the men of whose extreme opinions and irregular acts the noble Lord is now complaining. The Bishops are not the patrons who have done this. In 1851, the attitude of the Crown was adverse to such practices. It is now alleged by the most rev. Prelate that at Oxford and in the Cathedral church of this diocese irregularities take place; but the places to which this applies are all in the patronage of the Crown. If the laity are in earnest as to the repression of unauthorized alterations in our ritual, the remedy is in their own hands, so far as they are patrons, or can bring any influence to bear upon patrons. But the truth is that by the action of patrons, whose power is very great, the evil not only remains but has increased. It seems to follow that the laity are not at one, or are not in earnest, in the demand which the noble Lord presses on us to-night. It could be no real cure for the evil that the Bishops should be obliged continually to resist at law the action of lay patrons. Nor does the noble Lord seem to recommend this. Indeed, the remedies that are actually suggested are either inadequate or futile. We are called on to express our opinions of these things. We have done it over and over again. We are asked to refuse to licence curates, over whom we have greater control. But is that a satisfactory position for the Bishops? That being unable at present to resist what is unlawful when done by incumbents, they are to punish it in the persons of the more defenceless curates? In short, the present condition of opinion has deeper roots than would be supposed from this debate; and the cure for it—if cure is to be found—is to be looked for not from the Archbishops alone, not from the Bishops alone, not from any one class, but from the formation of truer and sounder opinion in the whole body of the Church. I do not despair of that change. In the mean time it is better that we should recognize the true extent of the difficulty, and should admit that without the co-operation of all classes the state of the ecclesiastical law is such that it would be impossible for the Bishops to accomplish what the noble Lord expects of them. The true remedy, it must be repeated, is that we should all endeavour to assist the formation of truer and sounder opinions in every class in the Church.

VISCOUNT MIDDLETON said, that the petition on this subject which had been presented, by a number of petitioners unexpectedly large to Convocation had been received by that body in a paltry and trifling spirit, unworthy of its importance; and the subsequent remonstrance addressed to the most rev. Prelates had drawn forth the replies now before the House. It was no part of the duty, neither was it in the power of laymen, to repress the tendencies towards the confessional. No churchwarden, even though he should discharge his duties with the utmost efficiency could have the slightest effect upon the subject. The Bishops had the power and he should be prepared to increase that power, if necessary, to take certain steps to repress the practices in question. They had power to inhibit the curates who had signed the memorial from preaching, and in the case of incumbents they had power to inhibit them from preaching in any other diocese than their own, even if they could not prevent them from preaching in their own parishes. He was not, however, urging the adoption of extreme measures. He had much more confidence in the power of moral suasion than in any legislative enactment. He doubted whether to refer the question to a Committee was, on the whole, advisable—it was, at the same time, in his opinion, absolutely certain that the Episcopal Bench should give no uncertain sound, but that they should speak out frankly and fully the views which they entertained on the subject. Had they done so 15 years ago he believed the matter would not have been heard of now, and he trusted they would not now hesitate to exert their great influence not only in public but in private wherever it could be brought to bear. Otherwise, the very vitals of the Church would be torn. He was not speaking on the present occasion of the merits or demerits of the confessional. He relied on the broad ground that it was entirely uncongenial and repulsive to the feelings of the people of England, and that unless the recognized organs of the Church discouraged its use a large number of those who were now attached and devoted members of the Church would drift away to some other Communion—a result which he should most earnestly deprecate. He hoped the Bishops would use whatever means they possessed short of legal measures to

discourage the practice, which he knew from personal observation had grown up in many congregations, of inflicting upon the young the practice of confession as a condition precedent to confirmation. He could say from two instances which came within his own knowledge within the last few weeks, that the country was in the presence of a real and serious evil, and he trusted the evil was one which the right rev. Bench would do everything in its power to remove.

On Question, *Resolved in the Negative.*

PERSIAN GOVERNMENT—CONCESSION  
TO BARON DE REUTER.

ADDRESS FOR CORRESPONDENCE.

THE EARL OF CARNARVON in calling attention to the concession recently made by the Persian Government to Baron de Reuter, and to move for Correspondence between Her Majesty's Government and Baron de Reuter on the subject, said, their Lordships must have been startled by the intelligence on the subject which appeared in the newspapers a short time ago. The concession appeared to him one of the most remarkable things that had occurred in the history of the world. He had not seen the text, but he found a summary of the document in *The Times* newspaper, which he took for granted was substantially correct. It appeared—he should refer only to the main points of the concession—that the Persian Government had authorized Baron de Reuter to establish a company for the purpose of giving effect to certain privileges which it proposed to confer upon him. It gave him further power to construct a railway between the Caspian Sea and the Persian Gulf, and in all other parts of Persia. It proceeded to guarantee to the new company any lands or buildings which might be necessary to carry out the object for which it was to be established. It exempted from all duties, tolls, customs, or excise, the materials employed in the work. It granted—with these exceptions, mines of gold, silver, and precious stones—the right of working any mines situated not only on lands belonging to the Government, but on those of private individuals. It made over all the forests to Baron de Reuter, as well as the control over canals, wells, and all natural and artificial water-courses throughout the country. It, moreover,

empowered him to raise a capital of not less than £6,000,000, and it guaranteed interest at the rate of 5 per cent on all the moneys raised by the company. It further handed over to Baron de Reuter the whole management of the Customs for a period not less than 25 years; and gave him preferential rights for the supply of gas, the making of roads, telegraphs, mills, forges, and so forth. The concession lastly provided that the rights thus conferred might not only be enjoyed by him, but that they might be transferred by him to others. The House would see, therefore, that in the whole history of dealings between States and individuals there had never been so extraordinary a series of privileges conferred on any person. The whole thing reminded one rather of passages in *The Arabian Nights* than of anything that had ever occurred in real life. It might be said that all these privileges might be found worthless, as it was in the power of an arbitrary Government like that of Persia to put a stop to them at any moment. But as a matter of fact, concessions granted by Oriental Powers to Europeans were generally carried out. In the present case, the concessions might turn out to be the source not only of great wealth but of Sovereignty and Empire. But the concession having been granted, the next question which arose was how it could be worked. He did not believe it to be possible for any single individual unsupported by some powerful Government sanction to give it practical effect. Now, there were in the East but two Governments who could give such support. The one was our own, the other was that of Russia. He had reason to believe that concession had been placed before Her Majesty's Government, and that an offer—so far as he might use the expression—had been made to them to impose whatever conditions they pleased on the practical working of the concession. He believed those proposals had come before Her Majesty's Government in more ways than one, and perhaps he should say through more than one channel. He would ask his noble Friend to explain to the House what the answer of the Government had been on the subject. Had that offer been accepted, or was it still pending, or had it been declined? Had the Government refused to have any connection with the scheme, because

they felt that by doing so they would be placing themselves and this country under engagements of an embarrassing nature and under heavy pecuniary liability? If so, although he should like to hear what the grounds and reasons for their decisions were, yet he should be the last person to find severe fault with them. But, on the other hand, if Her Majesty's Government had declined because they were opposed to the fair exercise of our commercial influence on that country, if they were going out of their way to "find lions in the path" and throw obstacles in the way of a scheme which, after all, was mainly of a commercial character, then he thought they had done wrong. A statement had gone the round of the papers that our Foreign Secretary had written a despatch or note expressing the intention of the Government absolutely to take no concern whatever in anything which might arise out of that concession. He hoped that was not true. If it were, he should say it certainly was gratuitous, and more than a great mistake on the part of the Government to have volunteered, as it were, that abnegation of their national duties and obligations. He now only desired that the House should know the exact state of the case, that they should not on that most grave and important question awake, as they had done on some former occasions, to the consciousness and the regret that things might have been otherwise if they had been only known and discussed by Parliament in time. Supposing the Government had declined all connection and concern with that matter, he said nothing of the obvious and most striking contrast between such a line of conduct and the reception which a few days ago it had been thought worth while publicly and privately to give to the Shah. What he would rather point out was that the state of Persia materially and socially was at this moment very bad indeed. For many years past that country had been falling deeper and deeper into distress and dis-organization. The only chance that seemed to present itself to the more intelligent minds of Persia was the enlistment of English capital and enterprise in that country. To that he thought they might attribute this concession to Baron de Reuter. It had been the fashion to speak of it as a most senseless and irrational act; but if he

was right in the light he had now ventured to throw upon it, their Lordships would see that a wise statesman in Persia, anxious for his country's welfare, might feel that in the enlistment of English capital and enterprise lay the greatest and perhaps the sole chance of her regeneration. To that fact, in a great measure, was due the recent visit of the Shah to England ; and he was afraid that those Persians who had come here had left us mortified to a certain extent by the feeling that that concession, which might have been worked by English companies and English capital, would in consequence of the course taken by the Government not be so worked. If that were so, and if the concession was not worked by English companies, the only alternative was, he feared, that they probably would be worked by companies of that nation who had the next greatest interest in that part of the world—namely, Russia ; and moreover, while the companies working it would be Russian, the capital would, no doubt, be found in the English market. He doubted whether that would be altogether a satisfactory state of things. Any man would be perfectly blind to the known history of the case, and almost senseless, if he did not see that it had been not only the irresistible tendency but the set policy and purpose for years and years past on the part of Russia to enlarge the area of her dominions in that part of the globe. Let them consider the marvellous system of railways gradually being laid out over the whole of the Russian Empire on the highest strategical principle, connecting St. Petersburg with the extreme East and South—let them remember the lines of military forts which connected one position with another, and how completely, in a great measure, the Black Sea, the Caspian, and the Sea of Aral were now connected for military purposes. Who, then, he asked, did not perceive the vast advantage which the Russian Government would obtain if that concession—which included a railway from the Caspian to the Persian Gulf—were carried out under Russian auspices ? From that moment there would be a direct line of railway and navigation exclusively in the hands of Russia from St. Petersburg to the Persian Gulf. Every Power must be the judge of its own responsibilities and its own strength. He was quite aware

how great was the strength of our Indian Empire. He knew well the view which had obtained among many of the most able and competent authorities, that the defence of India against whatever enemy was to be found rather by concentrating our strength within ourselves than by travelling beyond our frontiers to meet danger. He knew that within the last few years that great Empire had grown, so to speak, far more compact and concentrated in itself, and that by our own system of railways our position on our frontiers had assumed a very different character from what it wore some 20 years ago. On the other hand, nothing that could affect the condition of neighbouring States could ever be indifferent to us ; and of all the neighbouring States around our Indian possessions, none could be held to be of greater importance to us than the kingdom of Persia. Her people were, probably, the most intelligent of Easterns, and she had a cohesion which was wanting in every other country in those regions. Her resources, however reduced, were still considerable. Moreover, Persia and the Porte were the only two Powers in the East which filled the Native mind, as it were, with the idea of Sovereignty. Persia lay as a wedge between Turkey and India, and the master of Persia would necessarily be in a great degree the arbiter of those two countries. Afghanistan had often been spoken of as vitally important to us, and Persia was no less so. We were bound in every act and word—words, perhaps, being as important as acts—not to hinder the extension of the commercial influence and enterprise of a country—still less so that of a country with vast resources, which, if brought to some degree of civilization, would be a blessing to its neighbours. A cautious and waiting policy had great recommendations ; but had England always been excessively cautious her history would have been very different. It was desirable not to endanger good relations with our great neighbour in the East, and it was to the interests of both that the frontiers of the two Powers should not be conterminous. He preferred, however, to rest the case on the possible development of Persian resources were such concessions taken up by an English company and fairly worked for the good of the country, and on the commercial influence which Eng-

land might naturally claim, as it had done under similar circumstances. These were critical times in the East, deserving the attention of this country. The cancelling of the Treaty of Paris as regarded the Black Sea, the rumoured change in the relations between the Porte and Egypt, and the fall of Khiva, were events of more importance to the East than any that had happened within a century. We could not be indifferent spectators; and while he readily admitted that the wider range of our present Empire imposed more caution and prudential reserve than our forefathers knew or practised, nothing could free us from the responsibilities and traditions of our Eastern Empire.

*Moved that an humble Address be presented to Her Majesty for, Copy of correspondence between Her Majesty's Government and Baron de Reuter on the subject of the concession recently made by the Persian Government to him.—(The Earl of Carnarvon.)*

LORD STANLEY OF ALDERLEY said, their Lordships and the country had reason to be satisfied with the skill the noble Earl the Secretary for Foreign Affairs had shown in conducting the negotiations as to Central Asia, and believed the country would look to him more than to any other Member of the Government for a wise policy in all these matters. It would be wrong to neglect this opportunity of promoting the prosperity of Persia by means of railroads, and it would be a great national inconsistency whilst British merchants and the British Press in China were complaining of the Chinese Government and wishing for pressure to be put upon it, because it would not allow them to construct railways in China, for the British Government to refuse to assist the Persian Government to construct railways. It was true that railways would pay better in China because it was more populous, whilst Persia had just been devastated by famine; but Persia was a country which had had more ups and downs than any other, and a country in which periods of abasement had been rapidly succeeded by others of grandeur and prosperity. He understood Baron de Reuter to solicit the moral support of this country, and he would want men to carry out his plans. Now, this was a good opportunity of utilizing the services of the numerous officers, some of them Engineers, whom the amal-

gamation of the East India Company's with the Queen's Army had discontented by placing them in a position of pay without work. Not only the Mussulmans, but the Hindus would rejoice to see us helping Persia in this way, for the leading Hindu papers had recently complained of the supineness of the Government in not counteracting the Russian advance in the East. Of late years the Foreign Office had neglected Persia, and this might be the last opportunity of doing what ought to have been done many years ago. He trusted that the Government, if they had not already done so, would come to a decision in the interests of England, and that should anything in the form of guarantee have been rejected, some alternative measure which might answer Baron de Reuter's purpose as well would be adopted.

EARL GRANVILLE thanked the noble Lord (Lord Stanley of Alderley) for the compliment he had paid to himself, and, without offering an opinion on the practical character of his suggestion, felt bound to say that he had been more definite in his advice than the noble Earl who introduced the subject. The latter always gave a good deal of excellent advice as to "a spirited policy worthy of a great country"; but in this case he had failed to perceive the exact line which the noble Earl thought the Government should adopt. He had been surprised to hear the noble Earl express astonishment at the concession, for he believed it was the topic of all the papers during last autumn. He himself had more right to feel astounded when first informed by Baron de Reuter last September that he had received a concession giving large powers as to railways, irrigation, and other public works, and that it had not only been signed, but ratified by the Shah. Baron de Reuter asked him to recognize the validity of the concession and for a promise to protect his rights as a British subject in the performance of it. After due consideration of the subject and consultation with his Colleagues, the answer he gave the Baron was that it would give Her Majesty's Government great satisfaction to see the resources of Persia developed by means of railways and roads, but that it was altogether out of our usual course to protect officially a commercial undertaking of that sort. The noble Earl alluded to some information

he had received in reference to this matter, and which very much resembled the contents of a letter which had been handed to him (Earl Granville) since he entered the House. Then the noble Earl stated that His Majesty the Shah, who had been so well received in this country, had gone away entertaining a feeling of great dissatisfaction towards Her Majesty's Government. All he could say was that he was not aware that His Majesty entertained any such feelings, and he should be very sorry to believe anything so contrary to the professions which up to the last moment had been made on his Majesty's behalf. Not only had he received the most cordial assurances to the opposite effect from the principal Ministers of the Shah, but, he might also say, from his Majesty himself, and he might add that he had very recently received similar assurances from Paris. On the subject of the concession, he held the same language—entirely in conformity with the views of his Colleagues—to all who had spoken to him in reference to it. To the Persian Envoy and to Baron de Reuter, what he said was this—that Her Majesty's Government entertained the strongest wish for the prosperity of Persia, and believed that that prosperity would be developed by material improvement in the means of communication; that an arrangement might, perhaps, be arrived at such as was contemplated, which would be mutually beneficial to Persia on the one hand and to the capitalists concerned on the other; but that it was impossible that Her Majesty's Government could give to either the one party or the other any advice with reference to the terms of such a commercial agreement. They could not give it material support; and with regard to moral support, of which he had heard so much, he confessed he had never been able to find out what was meant by those who used the term. It would, of course, be enormous moral support to the capitalists if Her Majesty's Government were to tell them they would hold the Shah bound by every word of the concession. On the other hand, it would be great moral support to the Shah if they assured His Majesty that the capitalists would execute the works in question in the best and cheapest manner. But when he asked what was meant by the term, "moral support," he could never get a definition

of what that support was to be. With respect to the Motion, he had no objection to produce the Correspondence which had taken place between Baron de Reuter and Her Majesty's Government. In conclusion, he had only to say that he was not aware of having ever given the slightest opposition to the scheme referred to; nor had he observed the "lions in the path" which the noble Earl said it was his custom to see. Some caution was, however, he thought, due to the Persian Government and to capitalists at home, and therefore it was that he had made the communication in reference to the views of Her Majesty's Government which he had stated to their Lordships.

LORD NAPIER AND ETTRICK said, he had not one word to say against the legitimate development of railways and other public works in Persia; but at the same time he believed that the selfish interests of England would be best served if the railways in question and the other public works the subject of the concession were not made. They ought not, however, to arrest the progress of material improvement on account of their supposed self-interest—to do so would be wholly unworthy of this great country, and he believed that the magnanimity and generosity of this country would never allow such a course to be taken. His opinion, however, was that when the railways in question were constructed the stream of British commerce would probably be diverted from the Black Sea and from Turkish territory, where no transit dues were paid, to Russian territory, where dues, the amount of which they could not now foresee, would be charged. He could not see that, in a political point of view, or, in the first instance, in a commercial point of view, England would be at all benefited by the establishment of those railways and other public works; but he could not help thinking that it would be an unworthy policy on the part of this country to oppose them. He desired it to be understood that in any observation he made he was not actuated by any feeling of jealousy towards Russia. From her history, her interests, and her geographical position, it was impossible but that Russia should exercise a considerable influence in Persia, and he was far from saying that that influence had up to the present been exercised in an

unworthy manner. On the contrary, he was free to admit that the operations of the Russian troops in the Khanate, which had resulted in the fall of Khiva, had conferred a great benefit upon Persia by protecting her borders from invasion by barbarous hordes. It was not, therefore, jealousy of Russia which made him say it was for the interest of England that Persia should be strong, independent, and self-governed. That was a well-recognized fact. How did the concession in question consist with the interests of Persia in that point of view? The circumstance should not be lost sight of that the great concession in question contained no reservation whatsoever as to transfer. Baron de Reuter could at any moment transfer the concession and all the rights derived under it to any Company or to any Government he pleased. He had the honour of knowing the Baron, and entertained a sincere esteem for his character. As a great financier and speculator, he had, of course, his own interests to serve, but, he believed Baron de Reuter was not exclusively nor even chiefly, influenced by pecuniary considerations. There was something of an aspiring character in the man; and he believed that in obtaining those concessions he was prompted by a desire to do something useful—something which would reflect glory upon himself and would do good to others. But what security had they that the concessions would be administered by him? He might die; the concessions might—as he said—be transferred to a foreign association or to a foreign Government. What position, he asked, would this country be in if the immense power were placed in the hands of Russia? Again, there was no condition laid down as to the gauge of the railways or their direction—both very important considerations in a military point of view. It was important for the commercial interests of Persia that her rulers should be able to exercise some option upon these and other matters; and it would be unsatisfactory to Great Britain if the railways in the south of Persia, which were of importance to us as regarded India, should be indefinitely postponed, while the railways in the north of Persia, which were of importance to Russia, should be immediately executed. He did not say there was any danger of such an occurrence while

Baron de Reuter retained the concession; but such a danger might arise if these powers fell into other hands. A word or two now as to the economical aspect of this question. Persia had granted to Baron de Reuter all the forests. Now, if there was a country in the world in which we should expect the Government to prescribe care and economy in the management of the forests it was Persia. In the north of Persia there were forests of great extent and value, and these were useful in developing the resources of the country, besides being of value in their influence upon climate. But under the concession those forests might be entirely destroyed. Again, in no country in the world was irrigation more important than in Persia, and you would naturally expect the Government to retain some control over the management of works of irrigation. Not only, however, was absolute authority given to Baron de Reuter in reference to irrigation, but the irrigated soil was to pass into the possession of the *concessionaires*, who might there establish colonies of any nationality. The establishment of agricultural colonies composed of foreigners upon the soil of an Eastern country was likely to create serious complication and to bring the colony into collision with the Government. He only mentioned these facts to show that concessions of a very large and, indeed, unprecedented nature had been made, which hereafter might prove embarrassing or even dangerous, and that the Persian Government in its anxiety to promote the material welfare of the country had not surrounded these concessions with the guarantees and the precautions which a Government was bound to provide for its own dignity and for the welfare of the people. It was very strange that in this matter the Persian Government should not have consulted the Governments of England and Russia. Both these Governments were seriously interested in all that concerned Persia, and if the Government of Teheran had submitted the proposed concessions to the judgment of their allies, precautions would probably have been suggested which might have been safely adopted without the loss of any—at all events without the loss of many—of the material benefits which were expected. But by what might be called a generous imprudence, without regard to poli-

tical consideration, or the advice of their natural allies, the Government of Persia had put themselves, this country, and Baron de Reuter in a very difficult and embarrassing position. He hoped that at some later period, when these concessions were transferred to some company, they might be so modified as to render them more consistent with the independence of Persia and with the good relations which ought to exist between that country and the Governments of Russia and England.

*Motion agreed to.*

**STEAM THRESHING MACHINES BILL [H.L.]**

A Bill to provide for fencing the drums of steam threshing machines—Was presented by The Earl of MORLEY; read 1<sup>st</sup>. (No. 210.)

House adjourned at a quarter past Eight o'clock, till To-morrow, Eleven o'clock.

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**HOUSE OF COMMONS,**

*Monday, 14th July, 1873.*

**MINUTES.]—PUBLIC BILLS—Ordered—First Reading—Penalties (Ireland)\* [239]; Public Health Act (1872) Amendment\* [238]. Second Reading—Exchequer Bonds (£1,600,000)\* [230]; Treasury Chest Fund\* [233]. Committee—Civil Bills, &c. (Ireland) [Salaries] [187]. [No Report.] Committee—Report—Supreme Court of Judicature [154-237]; Turnpike Acts Continuance, &c. [199] Medical Act Amendment (University of London)\* [224]; Intestates Widows and Children (*re-comm.*)\* [214]. Considered as amended—Military Manoeuvres\* [215]; Salmon Fisheries [93].**

**PARLIAMENT—RULES AND ORDERS OF THE HOUSE AS TO STRANGERS—REPORTS OF THE DEBATES.**

**SIR WILFRID LAWSON** gave Notice that he would move on to-morrow week that "Strangers" should not be required to withdraw unless upon Motion made and agreed to without debate.

**MR. MITCHELL HENRY** gave Notice that early next Session he would call the attention of the House to the reports of debates in this House—["Oh!"]—and move for a Select Committee to consider the question of reporting the proceedings of the House, with a view to ascertain whether any improvements could be introduced and changes advantageously made with respect to the present privilege of admis-

sion to the Reporters' Gallery. ["Oh, oh!"]

**CRIMINAL LAW—THE INTERNATIONAL COCK-FIGHT.—QUESTION.**

**MR. P. A. TAYLOR** asked the Secretary of State for the Home Department, Whether it is the fact, as stated in the "Manchester Courier" of July 1<sup>st</sup>, that in the case of the International Cock-fight at Weaverham the bench decided that the names of the persons taken down by the police as present should not be made public; whether it is true, as stated in the same paper, that twenty-six summonses against persons described as being "gentlemen of influence and position in the county," have been withdrawn; and, whether the Government have taken any steps to bring these so-styled influential persons to justice?

**MR. BRUCE:** Sir, the report referred to by my hon. Friend is inaccurate in all essential particulars. The prosecution was instituted at the instance of the Chief Constable of the Cheshire police, who instructed a solicitor of great experience to conduct the proceedings. The summonses were issued on the 24<sup>th</sup> May against all persons who had been identified by the police as having been present on the occasion. It appeared, however, that only three summonses had been served by the 4<sup>th</sup> of June, when the Petty Sessions were held; and on that day the solicitor recommended, for the purpose of better securing the conviction of all concerned, that these summonses should be withdrawn, and that a fresh summons should be issued against one of the defendants who appeared to be the principal, inasmuch as he was the owner of the premises in which the cock-fight took place. On his conviction, they could better proceed against the other persons as aiders and abettors. The Chief Constable acted upon that advice, and summonses were accordingly issued against him for the next Petty Sessions, which sat on the 30th June, and he was then tried and convicted in the heaviest penalty authorized by the Act. Summonses were then taken out against all the persons known by the police to have been present, as aiders and abettors, and their cases will be investigated at the next Petty Sessions which will be held upon

the 28th of this month. It was with the full consent of the solicitor conducting the prosecution that the names of these persons were withheld ; he considered not only that the publication of the names was altogether unnecessary to the prosecution he was then conducting against the principal, but that silence on the subject would be serviceable to the interest of the prosecution itself.

**LAW AND JUSTICE—FOUR COURTS MARSHALSEA, DUBLIN.—QUESTION.**

MR. BRUEN asked the Chief Secretary for Ireland, Whether any steps have been taken to close the Four Courts Marshalsea, Dublin ; if not, whether it is the intention of Government to take such steps ; and, whether any, and, if any, what opinion has been elicited from the Inspectors of Prisons, Ireland, as to the expediency of closing the prison ?

THE MARQUESS OF HARTINGTON in reply, said, that the Inspector of Prisons had recently called the attention of the Irish Government to the very small and diminishing number of persons in that prison, and to the very large prison staff in proportion to the number of prisoners. A scheme would be submitted for the closing of the prison ; and although he was very doubtful whether at that period of the Session a Bill for the purpose could be passed, he would ask to be permitted to present the details of the scheme. He would very shortly state whether the Government could do anything that Session ; but, in his opinion, it would certainly be desirable that next Session something should be done.

**GENERAL REGISTER AND RECORD OFFICE OF SHIPPING AND SEAMEN—THIRD CLASS CLERKS.**

LORD GEORGE HAMILTON asked the President of the Board of Trade, If the annual leave of a portion of the third class of established clerks in the General Register and Record Office of Shipping and Seamen has been reduced from thirty-six to twenty-four days ; and, if so, whether the Registrar General of Shipping and Seamen did not endeavour by threat of dismissal to prevent the said clerks from memorialising the President of the Board of Trade against the reduction of their leave ?

MR. CHICHESTER FORTESCUE : Sir, I might reply that it was true that

*Mr. Bruce*

no clerks have had their leave reduced, and that there have been no threats of dismissal ; but I will reply more fully. The clerks referred to by the noble Lord were temporary clerks on weekly wages without fixity of tenure ; they had no claim to increased pay on the ground of seniority or length of service ; they were not entitled to superannuation or to any compensation on leaving or on being discharged with a week's notice from their office. On the occasion of the office being recently re-organized to meet the new state of things in the Civil Service, these temporary clerks were placed on the establishment, as an act of grace, on the recommendation of the Registrar General, who took unusual trouble in looking after the interests of the temporary clerks, and it is to him they are solely indebted for having their services retained and for being placed on the permanent establishment. As temporary clerks they were allowed three weeks' leave of absence during the year ; they are now allowed four weeks in common with all clerks appointed to the Board of Trade and its subordinate departments, under Scheme II. of the Order in Council of June, 1870. The Registrar General did not endeavour by threat of dismissal to prevent the clerks from memorializing me against the reduction of their leave. What he did do was to forcibly point out the impropriety of their protesting against a formal official Minute, issued by the Board of Trade for regulating the leave of clerks, and requesting that such a Minute should be rescinded to meet their views. The action taken by the Registrar General throughout this case has entirely met with my approval, and I have informed the clerks in question, that if they are dissatisfied with the arrangements made they had better at once resign their appointments.

**LICENSING ACT, 1872—WINE LICENCES TO GROCERS.—QUESTION.**

SIR WILFRID LAWSON asked the Secretary of State for the Home Department, Whether it is true that the Inland Revenue Commissioners have permitted their officers to grant licences for the sale of wines to grocers and other applicants without their having previously obtained the certificates of the justices duly granted and confirmed at the annual Licensing Sessions, according to the provisions of the Licensing

Act of 1872; and if the sale of intoxicating liquors, under such circumstances, will have the immediate attention of the Home Department as an infringement of the Act of last Session?

MR. BRUCE: Sir, the Licensing Bill of last year as introduced by the Government, and as it passed the House of Lords, left the position of grocers and retail wine-sellers unaltered. At that time they required no magistrate's certificate to enable them to hold a licence. An Amendment, however, was carried in this House, which prohibited the Inland Revenue Commissioners from granting licences to those dealers, unless on production of a magistrate's certificate. It thus happened that many of those dealers were not aware of the change made in their position, and neglected to apply for certificates at the last Brewster Sessions. They applied for relief to the Inland Revenue Commissioners, who were, of course, unable to grant licences, but forwarded their case for the consideration of the Chancellor of the Exchequer. My right hon. Friend took, as he well might, a compassionate view of the matter, and made them the following answer:—

"In any case where a dealer in British wine omitted to obtain a certificate in September last in accordance with the provisions of the new Act, on his producing a letter from the licensing magistrates, to the effect that a licence would have been granted had application been made, and that such an application will be favourably entertained at the next licensing sessions, the Board of Inland Revenue will allow him to deposit the duty with the collector, and will thereupon instruct their officers not to interfere with the sale *ad interim*."

I am unable to say whether any magistrates have signed the required assurance. But whether they have or not, I have no reason to believe that the Inland Revenue Commissioners have issued any licences.

#### CUSTOMS OUT-PORT CLERKS. QUESTION.

VISCOUNT SANDON asked Mr. Chancellor of the Exchequer, If he will reconsider the claims of the Custom House Clerks at the Out-ports to be placed on the same footing as the Custom House Clerks in London as to the date of the increase of their salaries, promised by the Treasury Minute of the 28th of November, 1868?

THE CHANCELLOR OF THE EXCHEQUER in reply, said, that when the

present Government came into office they found a Minute in the Treasury, which conferred certain benefits on the Custom House clerks in London. The Government were of opinion that the matter required their looking into, and they suspended that Minute, thus depriving for a time the clerks of the benefit which the late Government conferred upon them. In doing so, however, the Government gave a promise that the clerks should not be losers in the end. After full consideration, the Government came to the conclusion that more might be done than was recommended in the Minute of the late Government, and more was done; and, in accordance with the promise, they were paid by reference back to the time when the Minute was first suspended. It was a clear case of vested interests and promised advantages which the Government were bound to respect, and now the noble Lord asked him to do the same for the Out-port clerks. There was a recommendation, no doubt, that their case should be looked into, and, having looked into it, the Government had come to the conclusion that certain improvements in their position and salaries might be effected, and they had been effected accordingly. But there was no claim for what was now asked. They had no vested interest at all at the time when the Government came into office, and if they were now to pay these persons upon the same footing as those who had actually received the benefit before the Government came into office, the effect would be to establish a precedent of this nature—that whenever any improvement in an office took place, the Government would be bound to pay the persons from the time when they first conceived the idea of making that improvement. He could not agree to any such principle.

#### ARMY — GLANDERS AT LEEDS BAR-RACKS — THE 12TH LANCERS. QUESTIONS.

COLONEL BARTTELOT asked the Surveyor General of the Ordnance (in the absence of the Secretary of State for War,) Whether glanders has broken out amongst the horses of the 12 Lancers at Leeds Barracks; whether five or more horses have been shot for that disease; and, if this is the case, whether it is still intended to send the regiment to

Cannock Chase for the Autumn Manœuvres?

COLONEL LEIGH (for Sir THOMAS BATESON) asked the Secretary of State for War, How many Commanding Officers of the six Cavalry Regiments attached respectively to the Northern and Southern Armies at the last Autumn Manœuvres reported horse blankets to be unnecessary; whether the 12th Lancers was not the only regiment which was unprovided with blankets last year; whether it is not admitted by experienced Veterinary Surgeons that glanders, of which abscess in the lungs is one of the chief characteristics, is frequently produced by exposure to damp and cold after fatigue; and, whether he will reconsider his decision not to supply blankets or other protection against the weather to the Cavalry horses at a period of the year when many of them are changing their coats, and consequently more liable to cold and disease?

SIR HENRY STORKS: Sir, the officer commanding the 12th Lancers reported to the Adjutant General on the 19th of June that five horses had been destroyed for glanders. A letter received from that officer on the 8th instant, shows that no further symptoms of the disease have appeared. Under these circumstances, there is no intention at present of withdrawing them from the list of regiments for the Autumn Manœuvres. In reply to the Question of the hon. and gallant Colonel the Member for Mid Cheshire (Colonel Leigh), I have to state that the commanding officers in question did not report officially one way or the other whether horse-blankets were considered necessary, nor were they asked to do so. The opinion of cavalry officers has, however, been obtained, and the result shows, as stated in the answer which I gave to the hon. and gallant Gentleman on the 30th ultimo, that they are in favour of the non-issue of these articles, as in consequence the extra kit which was carried in the valise last year on the horse will now be carried in the waggons, the dragoon carrying a very light kit on his horse's back. The 12th Lancers was the only regiment which did not use horse-blankets last year, and their horses looked quite as well as the rest of the cavalry. The Manœuvres, too, are held earlier this year, which makes a difference in the weather likely to be met with. No

report that I am aware of has been received from experienced veterinary surgeons that the non-issue of horse-blankets is calculated to produce glanders, and the principal veterinary surgeon, on the contrary, has concurred in this non-issue. It has consequently been held unnecessary to alter the decision which has been arrived at.

#### THE WELLINGTON MONUMENT. QUESTION.

MR. GOLDSMITH asked Mr. Chancellor of the Exchequer, Whether any Report has recently been received on the condition of the Wellington Monument; and, whether he has made any, and, if any, what arrangements with Mr. Collman for its completion?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the last Report he had received was dated the 7th of June. Mr. Stevens was then convalescent and again at work on the monument. The whole marble work was now finished, but the sculpture had not made much progress. It was hoped the monument would be finished by the end of 1874. No other arrangements had been made with Mr. Collman for its completion.

#### RIVERS POLLUTION—THE RIVER RIBBLE.—QUESTION.

MR. F. STANLEY asked the President of the Local Government Board, Whether his attention has been drawn to an extraordinary destruction of fish in the River Ribble on or about the 3rd instant, which is stated to have resulted from the pollution of the river; and, whether he is prepared to take any steps to prevent a recurrence of such damage from pollution of waters?

MR. STANFIELD, in reply, said, the Papers he had received had not been sufficiently explicit or exhaustive to enable him to give an opinion on the subject; but, so far as he understood them, he was not aware that the existing law supplied a remedy, and it must remain a matter for further legislation.

#### AFRICA—THE WEST COAST SETTLEMENTS—THE ASHANTEE INVASION. QUESTIONS.

MR. MACFIE asked the Under Secretary of State for the Colonies, If he has any later information to communicate with respect to the disturbances at and

*Colonel Barttelot*

near Cape Coast Castle; and, if the Government intend to add any to the precautionary and peace-restoring measures which lately were thought to be adequate?

SIR CHARLES ADDERLEY also asked the Under Secretary of State for the Colonies, What has been the loss in material of war sent out to Cape Coast Castle by the wreck of the "Nigritia" and of the "Yoruba;" what is the latest news as to the advance of the Ashantees on the town and fort of Elmina, and as to the position of our allies the Fantees; and, what preparation has been made to remedy the losses which have been sustained?

MR. KNATCHBULL-HUGESSEN: It may be, Sir, for the convenience of the House, that I should at the same time answer the Question of the right hon. Gentleman opposite (Sir Charles Adderley) with reference to the loss in material of war by the wrecks of the *Nigritia* and the *Yoruba*. I have very little to communicate beyond the news which has appeared in the morning newspapers. The Ashantees have received a severe check at Elmina, and when the mail left, their army was concentrated about midway between that town and Cape Coast, at a place called Effootoo. The military and naval forces, under the command of Colonel Festing and Captain Fremantle, and the Houssas under Mr. Loggie had behaved admirably, inflicting a considerable loss upon the enemy, while the casualties on our side were very slight. The despatches just received, giving an account of the engagement, will be immediately published in *The Gazette*. I may take the opportunity of stating with regard to the previous West Coast Papers which my noble Friend (the Earl of Kimberley) promised for this week, that being very voluminous, it has been thought best to divide them in order to facilitate their delivery, and that the first part will be distributed, I hope, to-morrow, and the rest before the end of the week. I hardly understand the second part of the Question of the hon. Member for Leith as to "precautionary and peace-restoring measures." At the present moment our first duty is to repel the Ashantee aggression, for which purpose every necessary measure will be taken. They have already had a severe and salutary lesson, and we have every confidence in our officers and men, as well as in the Adminis-

trator, Colonel Harley. With regard to the first part of the Question of the right hon. Gentleman opposite, I am happy to inform him that, as far as can be ascertained, no military stores were lost in the wrecks of the *Nigritia* and *Yoruba*, with the exception of some boots and clothing, though it may be possible that some stores were re-shipped from Sierra Leone. But by reports received from the Coast, ample supplies of military stores have arrived at the Coast, having gone out by previous vessels. Colonel Harley writes in good spirits, and speaks of having plenty of munitions of war; but, in addition, further stores, with large supplies of provisions, will be immediately sent in the *Simoom*. With regard to the latter part, the details of the engagement will appear in the despatches about to be published in *The Gazette*. A portion of the town of Elmina called the "King's Quarter," separated from the other part of the town by the river, had shown itself disloyal, and the Ashantees had been supplied with arms and provisions by the inhabitants. The latter were desired to give up their arms. That they did not do, and numbers of them were joining the Ashantees. After full and extended notice, that portion of the town was very properly destroyed. It would have been impossible to have allowed it to remain and be occupied by an enemy, as it was built close up to the walls of the castle.

#### PATENT LAWS—INTERNATIONAL CONFERENCE, VIENNA.—QUESTION.

MR. MACFIE asked the Under Secretary of State for Foreign Affairs, If he has any information regarding the intended conference on Patents for Inventions at Vienna, which he will now state or will lay upon the Table; and, if Government will anywise be represented there provided the principle or policy of Patents is not assumed to be acquiesced in by persons participating in the deliberations?

VISCOUNT ENFIELD, in reply, said, Her Majesty's Government had heard nothing of any proposed conference on Patents at Vienna since April last, when the United States Minister wrote unofficially to Her Majesty's Ambassador, saying that a conference among the Exhibition Commissioners on the subject had been mooted. It did not appear that that was to be a conference of an

official or international character; and the Austro-Hungarian Government did not ask for any suggestions upon the subject, or invite representatives from other Powers to attend; and Her Majesty's Government did not know whether the project was going to be carried out or not.

**ELEMENTARY EDUCATION ACT—  
ANNUITIES TO CERTIFIED  
TEACHERS.—QUESTION.**

LORD GEORGE HAMILTON asked the Vice President of the Council on Education, If the Council has come to any definite conclusion as to whether or not any provision shall in future be made for granting annuities upon their retirement from old age and infirmity to those certificated teachers whose certificates date prior to 1860?

MR. W. E. FORSTER in reply, said, that was a departmental question, but one that would have to be decided ultimately by the Treasury. With regard to the matter itself, he might state that there was a Committee which sat last year on the subject of pensions to teachers, which was presided over by his hon. Friend the Member for Kendal (Mr. Whitwell). The Report of that Committee stated that many teachers regarded the Minutes as a promise of pensions to teachers; but, after the fullest consideration of the subject, the Committee were of opinion that the Minutes were not entitled to hold out any such promise. That was the construction put on them in the Minute of the 6th of August, 1871, and in that opinion his noble Friend (the Marquess of Ripon) concurred with him.

**ARMY—AUTUMN MANOEUVRES—  
EXTRA ALLOWANCE TO VOLUNTEERS.  
QUESTION.**

SIR THOMAS BATESON (for Mr. MORRISON) asked the Surveyor General of the Ordnance, Whether, having regard to the great expenses incurred by Volunteers attending the Autumn Manœuvres, the War Office will consent to lend to Volunteers present at them, mess tins, haversacks, and canvas bags, to be either returned undamaged, or on the understanding that all damage, fair wear and tear excepted, shall be paid for by the several Volunteer Corps, in place of compelling them to purchase the articles for use during

the short period during which the Volunteers can spare time to attend?

SIR HENRY STORKS: I am afraid, Sir, the War Department cannot undertake to issue these articles on loan to Volunteers when attending Autumn Manœuvres. The fair wear and tear consequent on their issue would be such that they could not be re-issued to the troops. An allowance of 1*l*. for each Volunteer of whatever rank who attends for eight days, and of £1 for such as attend 15 days, is made to cover any small expenses of this nature.

**GUN FACTORY, WOOLWICH—PEN-  
SIONS TO WIDOWS OF ARTIFICERS.  
QUESTIONS.**

MR. BAILLIE COCHRANE asked the Secretary to the Treasury, Whether it is true that Mary Wilson, who was left with six children unprovided for by the death of her husband when in discharge of his duty at the Gun Factory at Woolwich in October 1871, was recommended for a pension by the authorities at Woolwich and by the War Office, and that the Treasury rejected the application; and, whether this is in accordance with the practice formerly adopted?

MR. BAXTER: Sir, Robert Wilson was a non-established labourer in the Royal Gun Factories, who died from injuries received in the execution of his duty on the 5th of October, 1871, after nine months' service. He was not entitled to superannuation. On the 2nd of November, 1871, the Treasury awarded a compassionate gratuity of £20 to his widow, Mary Ann Wilson. That award was in accordance with the usual practice of the Treasury, in cases where the deceased was a non-established labourer not entitled to superannuation. If Robert Wilson had been an established labourer, an annual pension would have been granted to the widow.

MR. BAILLIE COCHRANE: Was it not recommended by the Woolwich authorities and by the War Office that a pension should be granted?

MR. BAXTER: It was.

**REVENUE AND EXPENDITURE—  
WEEKLY RETURNS.—QUESTION.**

SIR GEORGE BALFOUR asked the Secretary of the Treasury to inform the House, Whether the weekly returns of

Revenue Expenditure and Exchequer Balances will in future be published regularly every week without omission or delay, and on what day of the week these returns will appear; and whether the weekly returns that have not been published during this financial year will be made public; to explain whether the total estimated liabilities of this financial year, as shown in the weekly returns for "Supply Services," comprise amounts for this financial year under the same heads as in last year's "Supply Services," and if any new head has been inserted, then what is that head and what amount is so added; and, whether the total payments shown in the weekly returns to have been already incurred for Supply Services include only payments for these services under the same heads as in last year's payments for Supply Services, or if payments have been made for any new head then what is the head and the amount?

**MR. BAXTER:** Sir, it has been the practice hitherto, and there is no intention of departing from it, to publish the Returns of Revenue, Expenditure, and Exchequer Balances every Tuesday, made up to the Saturday preceding, unless in instances occurring at the commencement of a quarter, when such Returns would be calculated to mislead. The heads of the ordinary Supply Services are always the same; but almost every year there are extraordinary services which of course vary—such, for example, as China Wars, New Zealand Wars, Abolition of Purchase in the Army, and the Commutation of the Sound Dues. There is an item this year among both the estimated liabilities of the payments for the Alabama Indemnity which had no place in last year's accounts, and which, no doubt, is pointed at in the last two Questions of my hon. and gallant Friend.

#### SCOTLAND—NORTHERN LIGHTS COMMISSIONERS—THE TAY LIGHTS.

##### QUESTION.

**MR. J. W. BARCLAY** asked the President of the Board of Trade, Whether the Board of Trade has suggested to the Seamen Fraternity of Dundee the desirability of altering the position of the so called leading lights at the entrance of the Tay, which masters of vessels allege are calculated to mislead vessels entering the river; and, if so, whether

the Seamen Fraternity have expressed their intention of altering the position of these lights, so as to indicate the proper channel; whether the Board of Trade approves of the policy of entrusting to self elective irresponsible bodies the lighting of important channels of public navigation, and what were the reasons which induced the Board of Trade to renew, on its expiring recently, the charter of the Seamen Fraternity of Dundee, continuing to that body the highly responsible duty of lighting the Tay, and of levying dues therefor; and whether the Board of Trade intends to again renew the charter, when it expires again in March 1875, so far as regards the lighting of the Tay and the levying of dues?

**MR. CHICHESTER FORTESCUE:** Sir, although they have made the suggestion the Board of Trade have no power to compel any alteration. The Seamen Fraternity of Dundee are, by Royal Charter, charged with the duty of lighting and buoying the river Tay; and are, by the same Charter empowered to levy certain dues therefor. The Charter is still existing; but if it had expired, the Board of Trade have, of course, no power to renew a Royal Charter. What they have done is as follows:—They have, under the direction of an Act of Parliament, which practically gives them no discretion in the matter (Harbours and Passing Tolls, &c., Act 1861), and with the advice of the Law Officers in Scotland, sanctioned the continuance of the payment by the Seamen Fraternity, for a limited period, of sundry charitable pensions to certain named persons who were proved to have a vested interest in them. As to the question of policy, there can be no doubt that the duty of lighting an important port would not at the present day be intrusted to a self-elected body, but to one representing the commercial interests of the port, and the persons who pay the dues. I presume it would be for the Harbour Commissioners or people of Dundee, if they should desire a change, to apply to Parliament for the purpose.

#### ARMY—THE LATE CAPTAIN CHARLES AGNEW—COMPENSATION FOR COMMISSION.—QUESTIONS.

**MR. HENRY SAMUELSON** asked the Secretary of State for War, Whether, when he refused to grant a sum of money

to the representatives of the late Captain Charles Agnew, 16th Lancers, who was murdered at Suez in March last on his way home from India invalided, he was aware that, although no application for leave to retire from Her Majesty's service had been actually made, it was well known to the relatives of the deceased Officer and to others that it was his intention to make such an application; and, if he is not aware of that fact, whether he is willing to receive proof of it, and upon receipt of proof, to reconsider the circumstances of the case, with the view of granting to Captain Agnew's relatives, if possible, the amount, or part of the amount, which would have become his by right, had not his death by assassination prevented him from carrying out his intention to retire from the service, receiving the value of his commission?

MR. CARDWELL: I think, Sir, the Question has been framed under a mis-understanding of the extent of my powers and the scope of my duties. Parliament has confided to the Army Purchase Commissioners the duty of indemnifying officers in respect of the commissions they held on the day on which purchase ceased. I apprehend that the commission of Captain Agnew could not have been sold under the purchase system, and, therefore, that the Purchase Commissioners are not empowered to purchase it. It never was the custom, while purchase continued, to move estimates for cases of the kind, and I cannot undertake to create such a precedent in the present instance.

MR. HENRY SAMUELSON: Is there any fund out of which compensation could be made?

MR. CARDWELL: I have no fund at my disposal for the purpose.

#### NAVY—CHATHAM DOCKYARD RAILWAYS.—QUESTION.

MR. HOLMS asked the First Lord of the Admiralty, Whether the connection between the Dockyard and Government established at Chatham with the Railway system of the Country has been completed; and, if not, when the completion of such works may be expected?

MR. GOSCHEN in reply, said, that the connection of the dockyard and Government establishment of Chatham with the railway system of the country

was a matter which had been left by Act of Parliament to the London, Chatham, and Dover Railway Company, who were about to enter into contracts for the necessary works, which would probably be completed within the financial year.

#### POST OFFICE—TELEGRAPHIC DEPARTMENT—DELIVERY OF TELEGRAMS.

##### QUESTION.

MR. CLARE READ asked a Question which he said he must explain, because, having been framed by a legal friend, it appeared on the Paper in a form in which he himself did not understand it. The explanation, in substance, is that no charge is made for a messenger walking any distance under a mile; but, if the mile be exceeded, the distance charged for is not the distance over the mile, but the distance from the office; so that no allowance is made for that portion of the distance which is within the radius of free delivery?

MR. MUNSELL, in reply, said, it had been the practice to charge from the office from which the telegram was sent out. He concurred with his hon. Friend in doubting the legality of the practice; he had directed a legal opinion to be taken upon it; and, if it proved to be illegal, he would have the practice altered.

#### MERCHANT SHIPPING ACT, 1871— UNSEAWORTHY VESSELS.

##### QUESTIONS.

MR. CARTER asked the President of the Board of Trade, If his attention has been called to a Report made by Mr. W. H. Neath, Principal Surveyor of the Board of Trade for South Wales, on the condition of the ship "Nora," which left Cardiff a few days ago for Lisbon "loaded" as the Surveyor remarks, "almost to her hatches," and in such a rotten condition that she has been declared to be unseaworthy; if the Board of Trade have power under the Merchant Shipping Act of 1871 to prevent ships proceeding to sea in the state the "Nora" is reported to have been in; and, if power to stop ships in this condition is not given by the Act of 1871, he intends to ask Parliament for such power during the present Session?

*Mr. Henry Samuelson*

Mr. CHICHESTER FORTESCUE in reply, said, that his attention had been called to the case of the ship *Nova*, and what had happened was this—she had not proceeded to sea; on the contrary, the principal Surveyor of the Board of Trade for South Wales had made a formal complaint with respect to this vessel under the Act of 1871, and she had been detained for the purpose of survey. If it should prove that she was in an unsound state as to her construction, and therefore unfit to proceed to sea, he should be glad to stop her. If she were not unsound, but only overloaded, there was no power given to the Board of Trade by the Act of 1871 to stop her, although her crew might refuse to proceed to sea in her, without exposing themselves to any liability. That power, not given by the Act of 1871, would be given by the Bill which he had introduced into that House, and which he intended to proceed with as soon as possible.

Mr. CARTER asked whether the ship had not left Cardiff and got out into the roads before she was stopped or deserted by her crew?

Mr. CHICHESTER FORTESCUE said, he had no information on that point.

#### ARMY RE-ORGANIZATION—CAVALRY SUB-LIEUTENANTS.

QUESTION.

SIR THOMAS BATESON (for Colonel LEIGH) asked the Secretary of State for War, Whether the two Sub-Lieutenants removed from Cavalry Regiments are to be restored; whether it is intended to alter the present system of sending Sub-Lieutenants to Sandhurst after having joined their regiments; and, whether in future Sub-Lieutenants will join their regiments so prepared as to make it unnecessary to lose their services by demanding them to Sandhurst?

Mr. CARDWELL: An addition, Sir, of one Sub-Lieutenant has been made to the reduced establishment of the Cavalry of the Line, to provide for the absence of those who are to be under education at Sandhurst. The intention of the system of education at Sandhurst is to give higher instruction to young officers who have already acquired the rudiments of military knowledge, and there is no intention to discontinue it.

ENDOWED SCHOOLS' COMMISSIONERS  
SIR JOHN PORT'S FOUNDATION,  
REPTON AND ETWALL.  
QUESTION.

Mr. R. SMITH asked the Vice President of the Council, Whether any objections have been forwarded to the Endowed Schools Commissioners with respect to the "Scheme for the Management of the Charity of the Foundation of Sir John Port in Etwall and Repton, in the county of Derby;" and, if so, whether it is proposed to modify the scheme in accordance with such objections?

Mr. W. E. FORSTER in reply, said, that the Question of the hon. Member referred to a scheme on the Table of this House. The Endowed Schools Commissioners had a considerable Correspondence with those interested in the scheme before it was submitted to the Education Department, and they considered that a satisfactory arrangement was made at that time, and the Papers on the subject seemed to bear out that statement. He understood, however, that after the Commissioners had ceased to have any power in the matter, some fresh objections were stated. The objections had not come to the Department, nor could it entertain them, as the Department was precluded by Law from doing so after it had once approved the scheme; and it was not in the power of the Department to alter the scheme, even if it thought it advisable to do so.

#### ELEMENTARY EDUCATION ACT, 1870— STOURBRIDGE SCHOOL BOARD.

QUESTION.

Mr. C. DALRYMPLE asked the Vice President of the Council, Whether his attention has been directed to the circumstance that at a recent election of a School Board at Stourbridge an individual obtained a majority of votes, who has on different occasions been convicted of assault, and who but recently returned from residence in Worcester Gaol; and, whether it might not be possible in a Bill for the Amendment of the Education Act of 1870, to provide that any one previously convicted of crime should be ineligible to serve on a school board?

Mr. W. E. FORSTER, in reply, said, he had reason to believe that one of the

lately-elected members of the school board at Stourbridge had been convicted of assault—he did not know whether in more than one case—and, to use the euphemistic expression of the hon. Member, had recently returned from residence in Worcester Gaol. There was no provision in the Education Act which disqualifies for election a man who was elected after he had been convicted of crime, and he could not say he should be prepared to advise the introduction of a disqualifying clause into the Amendment Bill of that year. This case might be regarded as an exceptional one, and the matter might fairly be left to the discretion of electors generally. If such a clause were introduced it would make the law affecting members of school boards different from the law affecting town councillors, and also hon. Members of that House.

#### INDIA—THE INDIAN BUDGET.

In reply to Mr. R. FOWLER,

MR. GLADSTONE said, the time had not yet arrived when he could make a definite arrangement as to the sitting at which the Indian Budget should be submitted and discussed. He hoped towards the close of the week to be able to do so; and he would endeavour to bear in mind the wish of the hon. Member that the statement should not be made at a morning sitting.

#### TRIAL OF ELECTION PETITIONS— CANVASSING BY JUDGES.

QUESTION.

MR. CALLAN asked Mr. Attorney General, Whether it is in accord with or contrary to the duties incidental to the "powers, jurisdiction, and authority" conferred on the Court of Common Pleas by "The Parliamentary Elections Act, 1868," for a Judge of that honourable Court to canvass Electors, by letter or otherwise in the interest of any candidate whose Election or whose Petition on Non-election may be a subject-matter of judicial investigation before the Judge so acting, either as a Judge on the rota for the trial of Election Petitions or as a member of the Court of Common Pleas?

THE ATTORNEY GENERAL in reply, said, that he did not like to answer an abstract question without knowing some-

thing of the facts on which it was founded; but, speaking simply in the abstract, and without being supposed to pass an opinion on the conduct of any learned Judge of which he was entirely ignorant, he should say that nothing could be more improper than for a Judge of the Court of Common Pleas to canvass electors in the interest of any candidate whose Petition might come before him as a Judge for the trial of Election Petitions.

#### LEGISLATION—TURNPIKE ACTS CONTINUANCE BILL.—QUESTION.

Lord GEORGE CAVENDISH said, that a few days previous the House had sat till Four o'clock in the morning, in consequence of the determined resistance of a considerable number of Members to the Instruction he had moved to the Committee on the Turnpike Acts Continuance Bill, while upwards of 100 Members remained to the last to support the Instruction. As the delay of the Bill would involve public inconvenience, he asked whether, if the proposed Instruction were withdrawn, the Government would undertake to bring in a Bill on the subject next Session?

MR. HIBBERT in reply, said, he thought, after what had happened, the noble Lord would show a wise discretion if he would withdraw the proposed Instruction. The Local Government Board was quite prepared to have a measure drafted during the Recess, to be introduced early next Session.

#### LANDED ESTATES COURT (IRELAND) BILL.—QUESTION.

In reply to Colonel STUART KNOX,

THE MARQUESS OF HARTINGTON said, the Government were quite aware that, in the face of the opposition offered to the Bill, there would be considerable difficulty in passing it through the House that Session in its present shape. The reason which originally induced the Government to think there was no necessity for the appointment of a second Judge, however, still remained in force. In the event of the Supreme Court of Judicature Bill passing, it would probably be necessary to introduce a measure dealing generally with Irish judicature, and such a measure would embrace the business of the Landed Estates Court. In considering it, it would be

*Mr. W. E. Forster*

convenient to have to deal with such Judge only. To remove the opposition to the Bill, therefore, the Government proposed to make it a temporary measure, to suspend temporarily the appointment of a second Judge, and to make provision for the discharge of his duties during that period of suspension. It was proposed, therefore, to take the second reading of the measure that evening, and to give Notice of the Amendments which he would introduce in Committee.

wad to be obliged with a condition such as that proposed, the most eminent members of the profession were not likely to be attracted to the office. At present the retiring pension was £5,000 per annum unobliged with any condition, and he asked the hon. and learned Attorney-General for an explanation of the clause.

The ATTORNEY-GENERAL said, the reasons which induced the Government to propose this clause were shortly as follows:—Before the time of Lord Brougham the Lord Chancellor had a pension of £4,000 a-year. In the time of Lord Brougham, however, the salary was altered, on the ground that that particular Lord Chancellor gave up appointments to many sinecure offices which were usually regarded as a means of providing for the families of Lord Chancellors. Therefore, as a sort of make-weight, there was inserted in the Act abolishing Sinecures a clause providing that every future Lord Chancellor should have a pension of £5,000 a-year. At that time the Lord Chancellors were practically the Appellate Judges of the House of Lords; although there was nothing like a contract between them and the country that they should discharge that duty. Within his own recollection, a Lord Chancellor, if not in office, always felt it his duty to render assistance as far as he could to the House of Lords in the adjudication of the Appeals which were brought before that tribunal. During the life of Lord Eldon the legal Peers were few, but he received valuable assistance from Lords Redesdale and Tenterden in the Court of Appeal; and since that period Lords Lyndhurst, Cottenham, and other noble and learned Lords had, as a matter of fact, always discharged the duties of Appeal Judges when out of office, although there was no contract between the country on one side and themselves on the other that they should render such assistance in return for their pensions of £5,000 a-year.

Parliament had now thought fit to remove the greatest part of the Appellate business from the House of Lords; and although it would be open to Parliament to grant this pension of £5,000 a-year to the Lord Chancellor without requiring any services in return, yet, inasmuch as the condition of things was altered, and as it was extremely desirable that the

### SUPREME COURT OF JUDICATURE

BILL.—[Lord's.]—[Bill 154].

(Mr. Attorney General)

COMMITTEE. [Progress 11th July.]

Bill considered in Committee.

(In the Committee.)

THE ATTORNEY-GENERAL moved the insertion, after Clause 12., of the following new clause—

(Pension of Lord Chancellor.)  
“No Pension shall be granted on retirement to any Lord Chancellor to be hereafter for the first time appointed to that office unless he shall signify in writing his willingness to serve as an additional Judge of the Court of Appeal: Provided always, That this section shall not apply to any Lord Chancellor who shall retire by reason of his being disabled by permanent infirmity from performing the duties of his office, or who shall have served for ten years as Lord Chancellor, or who shall have served for a period of fifteen years in the whole in all or any of the following offices, namely: Lord Chancellor, a Judge of the Courts of Chancery, Queen's Bench, Common Pleas, Exchequer, Probate, the High Court of Justice, or the Court of Appeal.

Subject to the provisions in this Act contained, Her Majesty may grant to any Lord Chancellor on retirement such pension as is allowed to be granted by the Act of the Session of the second and third year of His late Majesty King William the First, chapter one hundred and eleven.”

New Clause brought up; and read the first and second time.

On Question, That the clause be added to the Bill?

MR. HUNT said, the clause was not expected to have come on so early, and he was taken by surprise when the Question was put for reading it a second time. The clause would require very careful consideration, because it introduced an entirely new principle. It was most important that the Lord Chancellor should always be a most eminent and learned man in his profession; but if the office

highest judicial authority should be procured for the Supreme Court, it seemed right to the Government to turn that into an actual obligation which had hitherto not been such. He thought there was nothing unreasonable in saying that if a noble and learned Lord held the high position of Lord Chancellor for a short time, he should, as a matter of obligation, be bound to discharge the duties of Judge of Appeal on consideration of receiving this pension. He did not believe there was any distinguished Lord who would for a moment hesitate to accept the office of Lord Chancellor, because after he had ceased to hold that office he would be bound to do that by law which he had hitherto felt himself bound to do in honour—namely, to give the best services he could to his country. If an ex-Lord Chancellor chose to take £5,000 a-year and not discharge any legal functions for it, he could at present do so, or he might take private arbitration cases and give to private suitors that judicial knowledge which the country would be only too glad to secure for itself. Those noble and learned Lords were the sole judges of their own honour, and if they chose to undertake that business, they had a perfect right to do so. The House of Commons, on the other hand, had a right to its opinion, not so much with regard to the advisability of the course taken in these two instances as to the probability of the practice becoming common. It was therefore, he thought, extremely proper to provide for the future that those who took the office of Lord Chancellor should, as a condition of receiving that pension, if still in good health and fit for duty, act as Judges in the Court of Appeal, and that was what this section of the Bill would provide.

MR. GATHORNE HARDY said, he very much regretted that the hon. and learned Attorney General should have lent himself to reflect upon the course taken by two noble and learned Lords, not for taking private business, but for having undertaken under an Act of Parliament certain duties while in receipt of pensions as ex-Lord Chancellors, which one, at least, refused to undertake unless called upon by Parliament. In the first case—the Albert Assurance Association—he was Chairman of the Select Committee which was appointed to consider the subject. The Courts having failed to meet

the difficulties of that case, it was thought advisable to obtain high judicial assistance. There were at that time about 40 causes in different parts of the Court of Chancery, and no decision could be taken which governed the whole of these cases. A Bill was therefore brought in, and it was a little unreasonable in the hon. and learned Gentleman who, as a Member of Parliament, was to a certain extent a party to that Bill and responsible for it, to throw discredit upon the noble and learned Lord who accepted the office imposed upon him by the Act. In the case of the Albert Assurance Society—the noble and learned Lord (Lord Cairns) who undertook that arbitration was, he believed, in no instance kept from the performance of his duties in the House of Lords by it. It was the Parliament of the country that called upon these noble and learned Lords to discharge these duties, and if they had not done so the sufferings and expense to individuals would have been out of all proportion to the results. Instead of enormous sums being wasted in legislation, tens of thousands were saved by the decisions of these noble and learned Lords. With respect to the clause before the House, the proposal was that every future Lord Chancellor, on laying down his office, should, as a condition of receiving his pension of £5,000 a-year, signify in writing his consent to sink into the position of an ordinary Judge, work like other Judges under a Chief—and, in short, after having filled the highest office of the State, be content to become a Puisne Judge. It might well be that a Barrister of the highest reputation, and earning a large income, and already holding the highest position at the Bar—such a man as was regarded as the natural successor of the Lord Chancellor of the day—would refuse to accept the office when he knew that after perhaps a brief tenure of office he would be reduced to the rank of a Puisne Judge, with such a salary. Some of those who had actually been Lord Chancellors had refused the appointment of Lord Justice, although accompanied by high rank and larger salaries; yet it was now proposed that these great officers should be compelled to accept positions much lower and with salaries much less. He objected to introducing for the sake of a very small economy a system which would not procure the best men for the

higher offices in the country, and he thought that the ex-Lord Chancellors, if called upon to serve, ought at least to be placed in positions of pre-eminence.

MR. GLADSTONE said, he could not see that his hon. and learned Friend the Attorney General had laid himself open to the criticism of the right hon. Gentleman. The question of the pensions of ex-Lord Chancellors was a remarkable one. In no country in the world were Judges in the position of Lord Chancellors pensioned to the extent of £25,000 a-year — a sum which the right hon. Gentleman described as a very small question of economy. The views of the right hon. Gentleman in regard to the subject were magnificent; but those of the Government were more humble and prosaic; and he hoped the right hon. Gentleman would learn to regard with more consideration even such insignificant questions as those of public economy. That was, however, only a particle of the whole question. The point was, whether the present scale of pensions was too large, and whether the House was about to see another great legal change by the assumption of lucrative employment in the discharge of the judicial office by those who received pensions for having filled the office of Lord Chancellor. With respect to ex-Lord Chancellors accepting other duties, he denied that his hon. and learned Friend the Attorney General had, as the right hon. Gentleman opposite suggested, passed any censure on those noble and learned Lords. They had a perfect right to undertake such duties if they thought fit; but it was a matter for the country to consider whether, if that practice should prevail, that magnificent scale of pensions should continue on the same footing as hitherto. The right hon. Gentleman also appeared to propound the theory that because the Attorney General was a Member of Parliament at the time the Act or Acts of Parliament referred to was or were passed, he was responsible for having induced or called upon those noble and learned Lords to undertake those duties. That practically amounted to saying that every Member was personally responsible for every clause in every Act of Parliament which was passed while he had a seat in the House. A more startling doctrine than that he had never heard, and it was the more extravagant when it was under-

stood as proceeding from the mouth of one who had occupied so eminent a position as had the right hon. Gentleman himself. A difference of opinion existed among noble and learned Lords themselves with regard not to the propriety, but to the expediency of their undertaking duties of the kind referred to, and he had been informed that one noble and learned Lord had distinctly declined to serve as an arbitrator in one of these cases, because he received a pension which, in his opinion, prevented him from undertaking any such duty. As regarded the first of the two noble and learned Lords (Lord Cairns) who had been referred to as having been called upon by Act of Parliament to undertake the duties in question, he (Mr. Gladstone) was a Member of the House at the time; but he disclaimed any individual responsibility for that Act, for he had been totally ignorant of the provisions of it; but the right hon. Gentleman, who was, of course, according to the doctrine he had laid down, perfectly aware of everything contained in private Bills, would, no doubt, be ready to accept his share of the responsibility. With regard to the second of these cases, that of Lord Westbury, it was made matter of mention in that House. A Notice was placed on the Paper, and there was a great expectation that general objection would be taken to the proposed provision; but the Notice was withdrawn because, as explained at the time, it was anticipated that some general legislative provision would be made on the subject. The measure, however, passed without further attention being drawn to it. Now, he did not in the slightest degree question the title of these noble and learned Lords, legally or morally, as matters stood at present, to do as they liked with respect to accepting other duties while in receipt of their pensions; but the state of matters would be altered by that Bill. That House, when it enacted the magnificent pensions given to those who had served the office of Lord Chancellor, knew that they were to remain Members of the House of Lords, and the country expected that they would do their duty in the House according to their capacity and accomplishments. As judicial personages of great skill and knowledge, it was expected—and the expectation had been fulfilled—that they

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would discharge the very weighty, important, and responsible duty of sitting in appeal cases in the House of Lords. Parliament, however, was now going to remove the larger part of the appellate jurisdiction from that House, and whether it might be this year or next, it was probable that they might see the removal of the whole of the appellate jurisdiction from the House of Lords. Was not that a matter which the House of Commons ought to consider when that endowment of £25,000 a-year for providing a sufficient judicial staff was to remain while the whole of the judicial business was going to be removed? The right hon. Gentleman anticipated that the office of Lord Chancellor, with its splendid position, power, patronage, distinction, and opportunities of serving the country, would not be sufficient to attract the best members of the legal profession if those who were invited to take it were told that the condition of their receiving a pension of £5,000 a-year was that they should serve as members of the Court of Appeal, in the position of what the right hon. Gentleman called a subordinate Judgeship. The Government, however, did not regard the position as that of an inferior Judge—it was one of dignity, and no immoderate amount of work; and he had no doubt that the judicial duties devolving upon ex-Lord Chancellors in the House of Lords had been regarded by those persons as equivalent for the pensions they received. It was true, moreover, that ex-Lord Chancellors had declined to accept other judicial positions, and for what seemed to him to be very sufficient reasons. Lord Cairns declined to accept a Lord Justiceship, and for the reason that he regarded his judicial duties in the House of Lords in the light of the duty which the country had a right to demand of him in consideration of his pension. If the system of pension was continued, he thought the performance of a moderate amount of duty ought to be annexed to the receipt of it. When the Bill was introduced into the House of Lords, it was proposed that the pension of the Lord Chancellor should be reduced to £4,000 and increased to £5,000 in case a retiring Chancellor chose to accept a position as one of the Appellate Judges. That, however, did not meet with approval in the House of Lords, and it

was now proposed, that instead of there being a double scale of pension the ex-Lord Chancellor should be called upon in consideration of his large pension to undertake the dignified and important, but, at the same time, not too laborious duties of one of the Judgeships of Appeal. He believed it to be altogether visionary that the result of the proposal would be difficulty in obtaining the service of distinguished lawyers as Lord Chancellors. No such difficulty had ever arisen up to the present, and he had no fear of such a result in the future. Should, however, any such case arise hereafter, it would be quite time enough then to consider whether some better arrangement could not be made.

MR. HENLEY said, he still retained the opinion he expressed before, and thought there should be some limit as to the age beyond which a Lord Chancellor should not be called upon to serve before becoming entitled to his pension. Supposing a distinguished lawyer accepted the Great Seal at the age of 65, it would surely be hard upon him to say that he should serve as an Appellate Judge until he had reached the age of 80, before he was entitled to receive a pension. He would suggest 70 as a more reasonable limit.

MR. BOUVERIE said, he very much doubted the wisdom of the proposal which had been made on the part of the Government, and which would make an entire alteration in the conditions under which a distinguished advocate now accepted the office of Lord Chancellor. All that was said by the Prime Minister and the hon. and learned Attorney General in reference to private practice accepted by ex-Lord Chancellors had nothing to do with the main question, because the Bill did not propose to deal with ex-Lord Chancellors now in receipt of pensions. If it was held that ex-Lord Chancellors should not take private practice in addition to their pensions, a Bill should be introduced prohibiting the taking of such a course. Owing to the peculiar political constitution of Parliament, its highest legal Member was a political as well as a legal official, holding office frequently for a short period only; and what was required, therefore, in the interest of the public was, that a course should be followed whereby the highest legal ability in the State could be commanded for the office

of Keeper of the Great Seal." He feared that if the clause was passed in its present form, and ex-Lord Chancellors were called upon to fill, as Appellate Judges, positions inferior to those occupied by the Judges who were below them in rank and emolument during their occupation of the office of Lord Chancellor, men of dignity and spirit would decline to accept the Great Seal. To pass the clause would be to degrade the office of Lord Chancellor. He felt certain that the view he was expressing was that originally entertained by the Government, because, as the Prime Minister had stated, it was first intended to reduce the pension of a retiring Lord Chancellor, and then to give him an additional £1,000 on condition of his serving as an Appellate Judge. That was unacceptable to the House of Lords, and it was now proposed to effect the same object by giving to a retiring Chancellor what was nominally a pension, but really a salary for service in an inferior position. The effect of such a proposal would be either to deter lawyers of the highest ability from accepting the office of Lord Chancellor, or cause them, if they took office, to make things particularly uncomfortable for the other Judges with whom they would afterwards serve in the Court of Appeal. If a division was taken he should think it his duty to vote against the clause.

THE CHANCELLOR or the EXCHEQUER said, he did not agree with the view that the proposal now made would have the effect of degrading the office of Lord Chancellor. No doubt when the noble and learned Lord ceased to be Lord Chancellor he could not exactly have the same dignity as he had before; but they had already carried a clause by which the Queen could bestow upon any of the additional Judges any precedence that she thought proper. It was, therefore, quite in Her Majesty's power to place an ex-Lord Chancellor in a position in which he would suffer no diminution of his dignity. The right hon. Gentleman spoke as if all Lord Chancellors were appointed from successful barristers engaged in practice. But Lord Chancellors were constantly appointed from Judges, of whom Lord Cottenham, Lord Truro, Lord Campbell, Lord Hatherley, Lord Lyndhurst, and Lord Eldon were instances. The Lord Chancellor on his retirement received

£5,000 a-year for discharging his legal duties as a Peer of Parliament, which he was always prepared to do, and he thus gave the country some return for his pension. But what was now proposed was that a retired Lord Chancellor should receive £5,000 a-year and give no services in return, however willing he might be to do so. That was a proposal simply intolerable, and so anomalous that he hoped it would not be pressed upon the attention of the Committee.

DR. BALL said, he was unable to see that a Lord Chancellor, if raised from one of the Chief Judgeships, would, under the proposal of the Government, be in a better position than before. Suppose a very distinguished person elevated to the office of Master of the Rolls, and the Minister selected him for the office of Lord Chancellor. As Master of the Rolls he would receive £6,000 a-year; but the moment he ceased to be Lord Chancellor—which might be in a few months—he would then have only £5,000 a-year for doing work as laborious and far more responsible; for the trouble and labour in an Appellate Court was far greater than in subordinate Courts. Again, the salary of a Chief Justice of the Queen's Bench was £8,000 a-year; but if his great attainments should recommend him for the post of Lord Chancellor, he would have only £5,000 a-year on his retirement for far more laborious duties. Sitting at *Nisi Prius*, owing to the frequent interest of the transactions in controversy was not half so laborious. He could not concur in that arrangement as one likely to get the best men either for the Courts of First Instance or the Supreme Court of Appeal, as he thought one of its consequences would be that men would take the lesser offices at an earlier period of life, rather than wait for the greater ones. There was a great deal in what had fallen from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley); surely, they were not prepared to require an aged man to serve for 15 years.

Question put, "That the Clause be added to the Bill."

The Committee divided:—Ayes 174; Noes 129: Majority 45.

Motion agreed to; Clause added to the Bill.

**AYES.**

Amcotts, Col. W. C.  
Anderson, G.  
Ayrton, rt. hon. A. S.  
Backhouse, E.  
Baines, E.  
Baker, R. B. W.  
Balfour, Sir G.  
Barclay, A. C.  
Bassett, F.  
Baxter, rt. hon. W. E.  
Bazley, Sir T.  
Beaumont, H. F.  
Beaumont, Major F.  
Bentall, E. H.  
Bolckow, H. W. F.  
Bowring, E. A.  
Brassey, T.  
Brewer, Dr.  
Bright, rt. hon. J.  
Brinckman, Captain  
Brocklehurst, W. C.  
Brogden, A.  
Bruce, Lord C.  
Bruce, rt. hon. Lord E.  
Bruce, rt. hon. H. A.  
Buckley, N.  
Campbell-Bannerman,  
H.  
Candlish, J.  
Cardwell, rt. hon. E.  
Carington, hn. Col. W.  
Carter, R. M.  
Cavendish, Lord F. C.  
Chambers, Sir T.  
Childers, rt. hon. H.  
Cholmeley, Captain  
Cholmeley, Sir M.  
Clifford, C. C.  
Cogan, rt. hon. W. H. F.  
Colebrooke, Sir T. E.  
Coleridge, Sir J. D.  
Corrigan, Sir D.  
Cowen, Sir J.  
Cowper, hon. H. F.  
Cowper-Temple, right  
hon. W.  
Cunliffe, Sir R. A.  
Dalway, M. R.  
Davie, Sir H. R. F.  
Davies, R.  
Dickinson, S. S.  
Dillwyn, L. L.  
Dixon, G.  
Duff, M. E. G.  
Dundas, J. C.  
Edwards, H.  
Enfield, Viscount  
Erskine, Admiral J. E.  
Eykyn, R.  
Finnie, W.  
Fitzmaurice, Lord E.  
Fitzwilliam, hon. H. W.  
Fletcher, I.  
Forster, rt. hon. W. E.  
Fortescue, rt. hon. C. P.  
Fortescue, hon. D. F.  
Fowler, W.  
Gavin, Major  
Gladstone, rt. hn. W. E.  
Gladstone, W. H.  
Goldsmith, Sir F.  
Goschen, rt. hon. G. J.  
Gourley, E. T.  
Gower, Lord R.  
Graham, W.  
Greville, hon. Captain  
Grieve, J. J.  
Grosvenor, Capt. R. W.  
Hamilton, J. G. C.  
Harcourt, W. G. G. V. V.  
Hardcastle, J. A.  
Henderson, J.  
Hibbert, J. T.  
Hodgson, K. D.  
Holms, J.  
Hoskyns, C. Wren-  
Howard, hon. C. W. G.  
Hughes, W. B.  
Hurst, R. H.  
James, H.  
Jardine, R.  
Jessel, Sir G.  
Johnston, A.  
Kensington, Lord  
Kinnaird, hon. A. F.  
Knatchbull-Hugessen,  
right hon. E.  
Lambert, N. G.  
Lancaster, J.  
Lawson, Sir W.  
Leathem, E. A.  
Lefevre, G. J. S.  
Leith, J. F.  
Lewis, J. D.  
Lloyd, Sir T. D.  
Lorne, Marquess of  
Lowe, rt. hon. R.  
Lubbock, Sir J.  
Macfie, R. A.  
Mackintosh, E. W.  
M'Arthur, W.  
M'Clure, T.  
M'Lagan, P.  
M'Laren, D.  
Magniac, C.  
Massey, rt. hon. W. N.  
Matheson, A.  
Maxwell, W. H.  
Mellor, T. W.  
Melly, G.  
Merry, J.  
Miali, E.  
Milbank, F. A.  
Miller, J.  
Miller, W.  
Monk, C. J.  
Monsell, rt. hon. W.  
Morgan, G. O.  
Morley, S.  
Morrison, W.  
O'Conor, D. M.  
O'Conor Don, The  
Ogilvy, Sir J.  
Palmer, J. H.  
Parker, C. S.  
Parry, L. Jones-  
Peel, A. W.  
Pender, J.  
Philips, R. N.  
Playfair, L.  
Potter, E.  
Potter, T. B.

Power, J. T.  
 Rathbone, W.  
 Ronayne, J. P.  
 Rothschild, N. M. de  
 Russell, Lord A.  
 Rylands, P.  
 St. Aubyn, Sir J.  
 Samuda, J. D'A.  
 Samuelson, H. B.  
 Seymour, A.  
 Shaw, R.  
 Sherlock, D.  
 Sherriff, A. C.  
 Stapleton, J.  
 Storks, rt. hon. Sir H. K.  
 Strutt, hon. H.  
 Stuart, Colonel  
 Stuart, hon. H. W. V.  
 Talbot, C. R. M.  
 Torr, J.

TELLERS.  
 Adam, W. P.  
 Glyn, hon. G. G.

**NOES.**

Agnew, R. V.  
 Amphlett, R. P.  
 Annesley, hon. Col. H.  
 Arbutnott, Major G.  
 Asheton, R.  
 Baggallay, Sir R.  
 Bagge, Sir W.  
 Ball, rt. hon. J. T.  
 Barrington, Viscount  
 Barttelot, Colonel  
 Bates, E.  
 Beach, Sir M. Hicks.  
 Beach, W. W. B.  
 Bentinck, G. C.  
 Benyon, R.  
 Booth, Sir R. G.  
 Bright, R.  
 Brise, Colonel R.  
 Brooks, W. C.  
 Bruce, Sir H. H.  
 Bruen, H.  
 Butt, I.  
 Cave, rt. hon. S.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Clive, Col. hon. G. W.  
 Cobbett, J. M.  
 Cochrane, A.D.W.R.B.  
 Corry, hon. H. W. L.  
 Crawford, E. H. J.  
 Cross, R. A.  
 Dawson, Colonel R. P.  
 Dick, F.  
 Dickson, Major A. G.  
 Dimsdale, R.  
 Disraeli, rt. hon. B.  
 Dyke, W. H.  
 Dyott, Col. R.  
 Ewing, A. Orr.  
 Feilden, H. M.  
 Fellowes, E.  
 Figgins, J.  
 Forester, rt. hon. Gen.  
 Fowler, R. N.  
 Goldsmith, J.  
 Gordon, E. S.  
 Gore, J. R. O.  
 Gore, W. R. O.  
 Grant, Col. hon. J.  
 Grav, Colonel

Greene, E.  
 Grey de Wilton, Visc.  
 Guest, A. E.  
 Hamilton, Lord C. J.  
 Hamilton, Lord G.  
 Hamilton, I. T.  
 Hardy, rt. hon. G.  
 Hardy, J.  
 Hardy, J. S.  
 Hay, Sir J. C. D.  
 Henley, rt. hon. J. W.  
 Heygate, Sir F. W.  
 Hick, J.  
 Hildyard, T. B. T.  
 Hodgson, W. N.  
 Hogg, J. M.  
 Holford, J. P. G.  
 Holmesdale, Viscount  
 Holt, J. M.  
 Hood, Captain hon. A. W. A. N.  
 Hope, A. J. B. B.  
 Hunt, rt. hon. G. W.  
 Kennaway, Sir J. H.  
 Laird, J.  
 Laslett, W.  
 Learmonth, A.  
 Leslie, J.  
 Lewis, G. E.  
 Liddell, hen. H. G.  
 Lindsay, hon. Col. C.  
 Lindsay, Col. R. L.  
 Lowther, J.  
 Lowther, hon. W.  
 Mahon, Viscount  
 Manners, rt. hn. Lord J.  
 Manners, Lord G. J.  
 March, Earl of  
 Matthews, H.  
 Milles, hon. G. W.  
 Mills, Sir C. H.  
 Monkton, hon. G.  
 Montgomery, Sir G. G.  
 Morgan, C. O.  
 North, Colonel  
 Northcote, rt. hon. Sir S. H.  
 Paget, R. H.  
 Parker, Lieut.-Col. W.  
 Patten, rt. hon. Col. W.

Phipps, C. P.	Tipping, W.
Pim, J.	Tollemache, Maj. W. F.
Plunket, hon. D. R.	Trench, hn. Maj. W. le P.
Raike, H. C.	Trevor, Lord A. E. Hill-
Read, C. S.	Turnor, E.
Rothschild, Bvn. L. N. de	Wait, W. K.
Round, J.	Walpole, hon. F.
Sackville, S. G. S.	Walpole, rt. hon. S. H.
Salt, T.	Waterhouse, S.
Sandon, Viscount	Watney, J.
Sclater-Booth, G.	Wheelhouse, W. S. J.
Scourfield, J. H.	Wyndham, hon. P.
Smith, R.	Wynn, G. W. W.
Stanhope, W. T. W. S.	
Stanley, hon. F.	
Straight, D.	
Talbot, J. G.	
Taylor, rt. hon. Col.	

**New Clause.—**

(Salaries of future judges.)

(Subject to the provisions in this Act contained, with respect to existing judges, there shall be paid the following salaries, which shall in each case include any pension granted in respect of any public office previously filled by him, to which the judge may be entitled:—

To the Lord Chancellor, the sum hitherto payable to him;  
 To the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, the same annual sums which the holders of those offices now respectively receive;  
 To each of the ordinary judges of the Court of Appeal;  
 To each of the other judges of the High Court of Justice, the sum of five thousand pounds a year;

No salary shall be payable to any additional judge of the Court of Appeal appointed under this Act; but nothing in this Act shall in any way prejudice the right of any such additional judge except a Lord Chancellor to be hereafter for the first time appointed for that office, to any pension to which he may be by law entitled.)

—(Mr. Attorney General.)

—brought up, and read the first and second time.

MR. VERNON HARCOURT moved the omission in line 6 of the words—

“The Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer.”

He could understand why the Lord Chancellor and the Lord Chief Justice of England should have £7,000 a-year; but he could not understand on what ground the future Chief Justice of the Common Pleas and the future Chief Baron of the Exchequer should have more than £6,000, while the Master of the Rolls received no more than that sum. He wished to know distinctly on what principle the Government vindicated such a difference in the salaries of those Judges, and thought some expla-

nation was due from the hon. and learned Attorney General on the point. If the Amendment were carried, he should propose to give the three Heads of the Divisions £6,000 a-year each.

Amendment proposed, in line 6, to leave out the words from “England,” to the words “the same,” in line 8.—  
 (Mr. Vernon Harcourt.)

THE ATTORNEY GENERAL said, that in regard to a salary it was very difficult to argue the question on any principle at all; but he wished to argue it on principles of fairness. He did know why the Chief Justice of England should have £8,000 and the Chief Justice of the Common Pleas only £7,000 except that it was not a desirable thing to have rigid uniformity; and, upon the whole, £1,000 a-year would be well spent to get a first-rate man. If the clause was regarded as a whole, it would be found that the Government had framed a scale of salaries which was not an exaggerated scale, and yet one which would secure the services of eminent men. In his opinion, it was better that there should not be a rigid uniformity, but that some places should be rather better than others. A further consideration in regard to the matter was, that the Lord Chief Justice of the Common Pleas and the Lord Chief Baron had to go on circuit, and the Master of the Rolls had not.

Question put, “That the words proposed to be left out stand part of the Clause.”

The Committee divided:—Ayes 205; Noes 62: Majority 143.

MR. VERNON HARCOURT said, that it appeared to him that in any proposition made by the Government to increase the salaries of Judges they would obtain the support of nine-tenths of hon. Members opposite. The proposition he had now to make was of a different character from the last. He thought it was of all things desirable to have the Appellate Judges of the High Court of Justice well paid. He desired, therefore, to avoid unnecessary waste in small things, in order to be able to expend money well upon large things. The House of Lords had yielded their appellate jurisdiction to a Court composed of men who, as they thought, would be competent to fulfil the high functions which their Lordships were

about to relinquish. A Committee of the other House investigated the subject last year, when Lord Hatherley, on the part of the Government, proposed that the salary of each Appellate Judge should be £6,000 per annum. That proposal received the support of Lord Cairns, but, on the other hand, a Motion was proposed by Lord Chelmsford, supported by the Earl of Derby, and the Marquess of Salisbury, and carried, that the salary should be £7,000. That year, however, the Bill had been accepted by the House of Lords, on the basis of £6,000 per annum, which might be regarded as the minimum sum they thought adequate. If the House of Commons made an alteration in the figures, the other House could not, in the event of their deeming the proposal inadequate, revert to the original amount, and consequently they would have no alternative but to reject the Bill. Indeed, the House would be offering to the other an inducement and almost a provocation to throw out the measure. He entreated the right hon. Gentleman at the head of the Government to consider what might be the result of pursuing such a course. They had diminished its numbers and reduced its dignity; and if, with unwise parsimony the House reduced the salaries of the members of the Court of Appeal, the Lords would be well entitled to refuse to transfer their jurisdiction to such a tribunal. In conclusion, he moved to add to "each of the ordinary Judges of the Court of Appeal" the words "six thousand pounds a-year."

MR. RAIKES said, he believed that his Amendment had precedence. It was in form to leave out the word "ordinary," and insert in its place, the word "other," but the point was this—If the word "ordinary" was retained, they would then have three different kinds of Judges receiving different salaries—namely, *ex officio* Judges, ordinary Judges, and additional Judges. It would be an injustice and a hardship, and derogatory to the high position of the ex-Lord Chancellors, if they were required to serve in the Appellate Court upon a less salary than was paid to the ordinary Judges. He thought something was due to the Common Law Judges in the matter.

*Amendment moved, page 6, line 8, to leave out "ordinary," and insert "other."*  
—(Mr. Raikes.)

*Mr. Vernon Harcourt*

MR. VERNON HARCOURT appealed to the hon. and learned Gentleman to withdraw his Amendment, because, if carried, it would entirely defeat the object they had in view.

THE ATTORNEY GENERAL expressed a similar opinion.

MR. RAIKES said, he would withdraw his Amendment, and raise it after the clause had been amended.

*Amendment; by leave, withdrawn.*

Then—

Amendment proposed, at the end of line 10, after the word "Appeal," to add the words "the sum of six thousand pounds per annum."—(Mr. Vernon Harcourt.)

MR. GLADSTONE said, the House had agreed to preserve the present salaries of the chiefs of the Common Law Courts, but the hon. and learned Gentleman now proposed to increase the salary of the 14 Puisne Judges by giving them an additional £1,000 a-year each. He seemed to be proceeding on the old superstition—a belief in which was occasionally discernible within the walls of that House, that you could create eminent men without number if you only gave them high salaries enough. The House had not got, to use a homely phrase, to "fish" for these eminent men; but the hon. and learned Gentleman proposed to improve their quality by giving them another £1,000 a-year each. He proposed to gild them, so to speak, with 1,000 additional sovereigns, as a proper mode of adding to their intellectual power in the discharge of their judicial functions. He protested against the way the House of Lords had been held over their heads, and, he might even say, hung in their face, by the hon. and learned Gentleman. "What would the House of Lords say?" "What would the House of Lords do?" There were not two sentences in the speech but contained some reference to questions of that kind; in fact, he had never known an instance in which they were so much threatened with the retributory action of the House of Lords. He would, however, maintain that it was not for the House of Lords, but for the House of Commons, to fix the amount of charge to be laid upon the public; and there could not be a more fatal precedent than to exhort that House to agree to a certain scale of salaries for fear that if they

did not do so, the House of Lords would reject this Bill. Coming to the merits of the question, upon which he hoped the subject would be discussed, the question of expense was not a very small matter. The increased cost which would be involved by adopting the proposal of his hon. and learned Friend would not be less than £14,000 a-year, and he said that that sum, and more, could have been saved if the Committee had only listened the other evening to his proposal to trim and clip and pare the allowance of clerks to the Judges. His hon. and learned Friend was vigorous and valiant in dealing with the salaries of little people, but chicken-hearted and slow when he looked at the great ones. He (Mr. Gladstone), however, did not think it desirable in an Assembly which had a much more close connection with Judgeships than with clerkships to take any such course. That was not a desirable course for the Government to take, and it was one they would not be justified in adopting. He considered that the present Judges of the Court below were handsomely and largely paid at £5,000, and he believed that the arrangement of salaries was fair and equitable according to the position of these Judges and the amount of work they would have to discharge. He could not admit that the Judges of the High Court of Appeal were placed in a position of disadvantage as compared with the Judges of the High Court of Judicature, because these latter, though nominally in receipt of equal salaries with the Judges of the Superior Court, would have to bear the expense and suffer the inconvenience of going circuit. The former, too, would have the high honour of being Members of the Privy Council—a dignity which was regarded more than salary. In addition to that, the work of the Appellate Court would be less in bulk and in difficulty, from the fact that it would have undergone the utmost preliminary sifting. Under the circumstances, he hoped the House of Commons, which was assembled for the purpose of imposing only necessary taxes upon the people, would not take upon itself the perilous task of forcing upon the country an expenditure which the Government, acting on the best ability they possessed to judge with regard to it, emphatically declared to be totally unnecessary.

MR. VERNON HAROURT said, he had brought forward the Motion in order to avoid the scene which followed upon the fixing of the salaries to be paid to the new Members of the Judicial Committee of the Privy Council at £5,000 a-year. On that occasion the appointments went begging in Westminster Hall, on account of the salaries fixed, and it was only after a very singular interpretation had been put upon an Act of Parliament that a Judge was found to accept office. As surely as such a scene was repeated in respect to the present Bill, so surely would the country conclude that Parliament had lowered and degraded the last Court of Appeal in the country. He had not threatened the House of Commons by flourishing the House of Lords in its face—at any rate, he had not intended to do so. He had merely maintained that if the House of Lords was to surrender its jurisdiction, it had a right to consider whether the Court they were substituting in their place was a sufficient one. It was not, moreover, the fact that he was proposing to add the cost of five ex-Lord Chancellors. The hon. and learned Solicitor General, in a tone which was not respectful to those unfortunate octogenarians, had said that of the five only one was fit for service; and if this was so, it would only involve an addition of £1,000 to the cost.

THE SOLICITOR GENERAL explained that what he had said was not that those legal Lords were not fit to serve, but that you could not expect them to be fit in November, 1874, when this Bill would come into operation.

DR. BALL hoped his hon. and learned Friend would divide the Committee.

MR. NEWDEGATE said, do what they would, increase the salaries of these Judges as they might, they could never raise the new Court of Appeal to the dignity of the House of Lords.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 59; Noes 125: Majority 66.

MR. BOUVIERE said, the present Judge of the Court of Admiralty, who had important and onerous duties to discharge, held two or three other offices—the office of the Judge Advocate, the Dean of Arches, and the Mastership of Faculties—an office of considerable

emolument. He proposed to insert a Proviso, that the Deanery of the Arches and Mastership of Faculties should not be tenable by any Judge of the High Court of Justice.

THE ATTORNEY GENERAL hoped his right hon. Friend would not insist on the Amendment. The arrangements of the Bill were prospective, all present holders being left unaffected in their position, and if it should be found that any inconvenience arose under it, steps would be taken to alter it in the direction of the right hon. Gentleman's Motion. The arrangement with reference to the office of Judge Advocate could not be defended as a permanent one. It was merely provisional, and was now under consideration.

Amendment, by leave, withdrawn.

MR. MATTHEWS moved, as an Amendment, in line 12, after "year," insert—

"Provided always, That the expenses of the judges who may be commissioned to go circuits as hereinafter provided shall be borne and paid in like manner as the expenses of the judges who go the winter circuit are now borne and paid."

THE ATTORNEY GENERAL hoped the Amendment would not be pressed. Six or seven highly competent men had gladly taken the office of Puisne Judge at the present salary and prospective pension after 15 years' service; and he saw no reason why any addition should be made to the terms which had been so accepted with satisfaction to the public.

MR. WHITBREAD said, it was possible that in some instances the circuit expenses of a Judge would not come to £500 a-year. It was therefore objectionable in principle to pay a nominal salary subject to varying deductions. All fixed salaries ought to represent an absolute money payment, for indirect modes of payment were very bad, and for the most part we had got rid of them. Instead, therefore, of calling the salary £5,000 and making deductions, it would be more honest to make the salary £4,500 and to pay circuit expenses. The expenses of the winter circuits were paid for the Judges, and why should not the others be similarly paid for?

MR. RYLANDS said, the payment of expenses in addition to salaries as suggested by the hon. Member for Bedford opened the door to abuse, as in the case of the Lunacy Commissioners, who

charged at the rate of 1s. 6d. a mile, and received hundreds a-year more than they spent without the Treasury having power to interfere.

MR. WHITBREAD said, the abuse stated did not invalidate the principle he had advocated.

MR. HENLEY urged that it would be an unfortunate mistake to leave room for any inequality in the payment of the Judges of the High Court of Justice, who ought all to be placed on the same footing by making them pay these expenses of going circuit out of their own pockets. The result of inequality would be the acceptance of the office by inferior men, the unsatisfactory discharge of circuit duties in civil and criminal divisions, and the consequent increase of avoidable litigation in the High Court. The circuit expenses were not personal only, but included those of the staff which the Judge was obliged to take with him on circuit.

MR. HUNT hoped the circuit expenses would not be considered stereotyped. Much of the present expense might be dispensed with—it was due to the observance of customs which had come down to us from remote antiquity. The Judges invited magistrates and grand jurors to dinner; and although he personally knew that Judges were good company, he did not see why they should be called upon to entertain magistrates and members of the Bar when they went circuit. The Judges had to carry round skilled cooks with assistants, and preparations were always made to entertain the grand jury and others. The facilities of locomotion were so great that it was often difficult to get a quorum of magistrates to stay to dine with the Judge; although, however, the company might be small, the contractors' bill might be great. It was a great tax upon the Judges, and he thought they might curtail these hospitalities without giving offence to anyone.

THE ATTORNEY GENERAL said, it was proposed as soon as the existing race of Judges was extinct, that all the Puisne Judges should be subject to exactly the same duties and receive the same salaries in the High Court of Justice. The Puisne Judgeships were undertaken upon the understanding that these expenses would have to be borne; but he trusted that in the advancement of time some of the charges entailed by

*Mr. Bourrie*

higher offices in the country, and he thought that the ex-Lord Chancellors, if called upon to serve, ought at least to be placed in positions of pre-eminence.

Mr. GLADSTONE said, he could not see that his hon. and learned Friend the Attorney General had laid himself open to the criticism of the right hon. Gentleman. The question of the pensions of ex-Lord Chancellors was a remarkable one. In no country in the world were Judges in the position of Lord Chancellors pensioned to the extent of £25,000 a-year — a sum which the right hon. Gentleman described as a very small question of economy. The views of the right hon. Gentleman in regard to the subject were magnificent; but those of the Government were more humble and prosaic; and he hoped the right hon. Gentleman would learn to regard with more consideration even such insignificant questions as those of public economy. That was, however, only a particle of the whole question. The point was, whether the present scale of pensions was too large, and whether the House was about to see another great legal change by the assumption of lucrative employment in the discharge of the judicial office by those who received pensions for having filled the office of Lord Chancellor. With respect to ex-Lord Chancellors accepting other duties, he denied that his hon. and learned Friend the Attorney General had, as the right hon. Gentleman opposite suggested, passed any censure on those noble and learned Lords. They had a perfect right to undertake such duties if they thought fit; but it was a matter for the country to consider whether, if that practice should prevail, that magnificent scale of pensions should continue on the same footing as hitherto. The right hon. Gentleman also appeared to propound the theory that because the Attorney General was a Member of Parliament at the time the Act or Acts of Parliament referred to was or were passed, he was responsible for having induced or called upon those noble and learned Lords to undertake those duties. That practically amounted to saying that every Member was personally responsible for every clause in every Act of Parliament which was passed while he had a seat in the House. A more startling doctrine than that he had never heard, and it was the more extravagant when it was under-

stood as proceeding from the mouth of one who had occupied so eminent a position as had the right hon. Gentleman himself. A difference of opinion existed among noble and learned Lords themselves with regard not to the propriety, but to the expediency of their undertaking duties of the kind referred to, and he had been informed that one noble and learned Lord had distinctly declined to serve as an arbitrator in one of these cases, because he received a pension which, in his opinion, prevented him from undertaking any such duty. As regarded the first of the two noble and learned Lords (Lord Cairns) who had been referred to as having been called upon by Act of Parliament to undertake the duties in question, he (Mr. Gladstone) was a Member of the House at the time; but he disclaimed any individual responsibility for that Act, for he had been totally ignorant of the provisions of it; but the right hon. Gentleman, who was, of course, according to the doctrine he had laid down, perfectly aware of everything contained in private Bills, would, no doubt, be ready to accept his share of the responsibility. With regard to the second of these cases, that of Lord Westbury, it was made matter of mention in that House. A Notice was placed on the Paper, and there was a great expectation that general objection would be taken to the proposed provision; but the Notice was withdrawn because, as explained at the time, it was anticipated that some general legislative provision would be made on the subject. The measure, however, passed without further attention being drawn to it. Now, he did not in the slightest degree question the title of these noble and learned Lords, legally or morally, as matters stood at present, to do as they liked with respect to accepting other duties while in receipt of their pensions; but the state of matters would be altered by that Bill. That House, when it enacted the magnificent pensions given to those who had served the office of Lord Chancellor, knew that they were to remain Members of the House of Lords, and the country expected that they would do their duty in the House according to their capacity and accomplishments. As judicial personages of great skill and knowledge, it was expected—and the expectation had been fulfilled—that they

would discharge the very weighty, important, and responsible duty of sitting in appeal cases in the House of Lords. Parliament, however, was now going to remove the larger part of the appellate jurisdiction from that House, and whether it might be this year or next, it was probable that they might see the removal of the whole of the appellate jurisdiction from the House of Lords. Was not that a matter which the House of Commons ought to consider, when that endowment of £25,000 a-year for providing a sufficient judicial staff was to remain while the whole of the judicial business was going to be removed? The right hon. Gentleman anticipated that the office of Lord Chancellor, with its splendid position, power, patronage, distinction, and opportunities of serving the country, would not be sufficient to attract the best members of the legal profession if those who were invited to take it were told that the condition of their receiving a pension of £5,000 a-year was that they should serve as members of the Court of Appeal, in the position of what the right hon. Gentleman called a subordinate Judgeship. The Government, however, did not regard the position as that of an inferior Judge—it was one of dignity, and no immoderate amount of work; and he had no doubt that the judicial duties devolving upon ex-Lord Chancellors in the House of Lords had been regarded by those persons as equivalent for the pensions they received. It was true, moreover, that ex-Lord Chancellors had declined to accept other judicial positions, and for what seemed to him to be very sufficient reasons. Lord Cairns declined to accept a Lord Justicehip, and for the reason that he regarded his judicial duties in the House of Lords in the light of the duty which the country had a right to demand of him in consideration of his pension. If the system of pension was continued, he thought the performance of a moderate amount of duty ought to be annexed to the receipt of it. When the Bill was introduced into the House of Lords, it was proposed that the pension of the Lord Chancellor should be reduced to £4,000 and increased to £5,000 in case a retiring Chancellor chose to accept a position as one of the Appellate Judges. That, however, did not meet with approval in the House of Lords, and it

was now proposed that instead of there being a double scale of pension the ex-Lord Chancellor should be called upon in consideration of his large pension to undertake the dignified and important, but, at the same time, not too laborious duties of one of the Judgeships of Appeal. He believed it to be altogether visionary that the result of the proposal would be difficulty in obtaining the service of distinguished lawyers as Lord Chancellors. No such difficulty had ever arisen up to the present, and he had no fear of such a result in the future. Should, however, any such case arise hereafter, it would be quite time enough then to consider whether some better arrangement could not be made.

MR. HENLEY said, he still retained the opinion he expressed before, and thought there should be some limit as to the age beyond which a Lord Chancellor should not be called upon to serve before becoming entitled to his pension. Supposing a distinguished lawyer accepted the Great Seal at the age of 65, it would surely be hard upon him to say that he should serve as an Appellate Judge until he had reached the age of 80, before he was entitled to receive a pension. He would suggest 70 as a more reasonable limit.

MR. BOUVERIE said, he very much doubted the wisdom of the proposal which had been made on the part of the Government, and which would make an entire alteration in the conditions under which a distinguished advocate now accepted the office of Lord Chancellor. All that was said by the Prime Minister and the hon. and learned Attorney General in reference to private practice accepted by ex-Lord Chancellors had nothing to do with the main question, because the Bill did not propose to deal with ex-Lord Chancellors now in receipt of pensions. If it was held that ex-Lord Chancellors should not take private practice in addition to their pensions, a Bill should be introduced prohibiting the taking of such a course. Owing to the peculiar political constitution of Parliament, its highest legal Member was a political as well as a legal official, holding office frequently for a short period only; and what was required, therefore, in the interest of the public was, that a course should be followed whereby the highest legal ability in the State could be commanded for the office

of Keeper of the Great Seal." He feared that if the clause was passed in its present form, and ex-Lord Chancellors were called upon to fill, as Appellate Judges, positions inferior to those occupied by the Judges who were below them in rank and emolument during their occupation of the office of Lord Chancellor, men of dignity and spirit would decline to accept the Great Seal. To pass the clause would be to degrade the office of Lord Chancellor. He felt certain that the view he was expressing was that originally entertained by the Government, because, as the Prime Minister had stated, it was first intended to reduce the pension of a retiring Lord Chancellor, and then to give him an additional £1,000 on condition of his serving as an Appellate Judge. That was unacceptable to the House of Lords, and it was now proposed to effect the same object by giving to a retiring Chancellor what was nominally a pension, but really a salary for service in an inferior position. The effect of such a proposal would be either to deter lawyers of the highest ability from accepting the office of Lord Chancellor, or cause them, if they took office, to make things particularly uncomfortable for the other Judges with whom they would afterwards serve in the Court of Appeal. If a division was taken he should think it his duty to vote against the clause.

THE CHANCELLOR or THE EXCHEQUER said, he did not agree with the view that the proposal now made would have the effect of degrading the office of Lord Chancellor. No doubt when the noble and learned Lord ceased to be Lord Chancellor he could not exactly have the same dignity as he had before; but they had already carried a clause by which the Queen could bestow upon any of the additional Judges any precedence that she thought proper. It was, therefore, quite in Her Majesty's power to place an ex-Lord Chancellor in a position in which he would suffer no diminution of his dignity. The right hon. Gentleman spoke as if all Lord Chancellors were appointed from successful barristers engaged in practice. But Lord Chancellors were constantly appointed from Judges, of whom Lord Cottenham, Lord Truro, Lord Campbell, Lord Hatherley, Lord Lyndhurst, and Lord Eldon were instances. The Lord Chancellor on his retirement received

£5,000 a-year for discharging his legal duties as a Peer of Parliament, which he was always prepared to do, and he thus gave the country some return for his pension. But what was now proposed was that a retired Lord Chancellor should receive £5,000 a-year and give no services in return, however willing he might be to do so. That was a proposal simply intolerable, and so anomalous that he hoped it would not be pressed upon the attention of the Committee.

DR. BALL said, he was unable to see that a Lord Chancellor, if raised from one of the Chief Judgeships, would, under the proposal of the Government, be in a better position than before. Suppose a very distinguished person elevated to the office of Master of the Rolls, and the Minister selected him for the office of Lord Chancellor. As Master of the Rolls he would receive £6,000 a-year; but the moment he ceased to be Lord Chancellor—which might be in a few months—he would then have only £5,000 a-year for doing work as laborious and far more responsible; for the trouble and labour in an Appellate Court was far greater than in subordinate Courts. Again, the salary of a Chief Justice of the Queen's Bench was £8,000 a-year; but if his great attainments should recommend him for the post of Lord Chancellor, he would have only £5,000 a-year on his retirement for far more laborious duties. Sitting at *Nisi Prius*, owing to the frequent interest of the transactions in controversy was not half so laborious. He could not concur in that arrangement as one likely to get the best men either for the Courts of First Instance or the Supreme Court of Appeal, as he thought one of its consequences would be that men would take the lesser offices at an earlier period of life, rather than wait for the greater ones. There was a great deal in what had fallen from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley); surely, they were not prepared to require an aged man to serve for 15 years.

Question put, "That the Clause be added to the Bill."

The Committee divided:—Ayes 174; Noes 129: Majority 45.

Motion agreed to; Clause added to the Bill.

of the noble and learned Lord who put forward the claim, and therefore I say there is nothing on the Journals of the House of Lords to support or substantiate it, and there is nothing on the records of this House acknowledging or even referring to it. I must say, therefore, I think it would be most undesirable that there should be placed on our records any evidence at all of there having been such a preposterous demand made as that which was put forward by the noble and learned Lord. Well, now, I wish the House to remark, that if we take the course which was suggested the other evening in reference to this question by my right hon. Friend at the head of the Government, we shall practically upon our records, by sending up an imperfect Bill, be admitting this claim of the House of Lords, and we shall be giving them an opportunity of putting on their records a statement of their claim, and the fact that we have furnished them with incontrovertible evidence of the justice of such claim. Sir, I think it is most undesirable on both hands that that should be the case. We know by surreptitious means—because reports of debates in the House of Lords are irregular—that some ambitious and able lawyer in that House, of great eminence and distinction, has in the course of a speech there put forward a claim of that kind. But as a body—as the House of Commons—we know nothing of that; and I own I think it would be taking a very unwise and imprudent course if we were to lose sight of our great object, and risk the loss of this great measure by entering into a contest with the other House on this subject. I think the House should take no notice of it whatever. The Motion for the re-committal of the Bill, of which Notice must be given in the course of the evening, has only one object—to extend to Irish and Scotch appeals the appellate jurisdiction of the new Court. That is a most important object to keep in view, and it is one which I ventured to suggest to this House. I think it is impossible for anybody with a grain of sense to contend that, when you have removed from the House of Lords their appellate jurisdiction in English cases, which form the great bulk of the appeal business, the Scotch and Irish cases should still be permanently submitted to their jurisdiction. All the

arguments in favour of taking away the English appellate jurisdiction from the House of Lords apply with ten-fold force to the Irish and the Scotch appeals. Men of sense even in the other House—and there are a great many men of sense there—would never seek to maintain their appellate jurisdiction merely over Scotch and Irish appeals, unless; indeed, some side issue were raised or their prejudices were excited by a question of Privilege. This is only a matter of time, and of a very short time. The new Appellate Court is not to come into operation until November in next year. There is, therefore, ample time, without running the risk of engaging the House in these useless controversies on this question of Privilege, to succeed in the object we have in view and provide that that great Appellate Court should deal with appeals from the three kingdoms. As a Scotch Member, I feel the strength of the proposition that the same Court should hear both English and Scotch appeals; but I also feel the reasonableness of the demand which Englishmen may fairly make—namely, that the chance of establishing a good Appellate Court for England shall not be lost merely for the satisfaction of making an attempt to extend its jurisdiction to Scotch appeals. I wish, therefore, to urge upon my right hon. Friend and his Colleagues that, as far as my humble judgment goes, the judicious and proper course is not now to re-commit the Bill, with a view to extend the appellate jurisdiction of the new Court, but allow this promising opening to a quarrel to drop altogether, and thus set an example of good sense and temper to the other House—an example which I hope they are always ready to follow. I invite my right hon. Friend, therefore, to give an undertaking that early next Session this defect in the Bill will be remedied by the introduction of a supplementary one, and that he will then be ready to propose the extension of the appellate jurisdiction to Ireland and Scotland. There is, however, one Amendment on the Paper of the hon. and learned Attorney General, for extending the qualification of the Judges in the Appellate Court from barristers in this country to Irish barristers and Scotch advocates. That Amendment should, I think, be made; but the Bill does not require re-committal for such a purpose, and I trust

that, if the course I have suggested be taken that Amendment may be made upon the Report.

SIR GEORGE GREY: I must express my entire concurrence in the suggestion made by my right hon. Friend, which I strongly recommend her Majesty's Government to accept. I listened with great satisfaction the other night to the observations made by my right hon. Friend at the head of the Government on the subject of Privileges, which cannot be said with accuracy to be claimed by the House of Lords, but as to which we had notice that the House of Lords will be invited to assert them if this Bill is sent up, depriving the House of Lords of the appellate jurisdiction over Scotch and Irish appeals. The more one looks at this possible claim of Privilege on the part of the House of Lords, the stronger appear to be the precedents against the validity of such a claim. I therefore think the House would be perfectly justified in sending up the Bill, with the Amendments of the hon. and learned Attorney General; but I am perfectly satisfied that it would not be consistent with our dignity to enter into such a contest with the other House. My right hon. Friend, therefore, showed good sense in the course which he proposed to take—namely, to avoid any possible collision with the House of Lords on the question, thereby risking the loss of a very valuable Bill upon the consideration of which great time has been spent. At the same time I think the course which he indicated was a dangerous course with reference to this question of Privilege! We are invited to send the Bill up to the other House in an imperfect state, indicating our wishes, but not inserting the clauses which are necessary to give effect to those wishes. But in adopting this course should we not be saying in effect that we shrink from doing what we think we have a right to do, because we should thereby come into collision with the other House; and should we not be inviting the other House to do what they say they have a right to do? It seems to me that we should thus be creating a precedent against ourselves, and should be practically surrendering the very question of Privilege which we assert. There are other considerations which appear to me to make it desirable that the question of the Irish and Scotch

appellate jurisdiction should receive more consideration than has yet been given to it. I am not authorized to speak on behalf of anyone, but the Scotch and Irish Members with whom I have communicated concur in that opinion, and say that nothing will be lost by delay; on the contrary, that good will result from delay, because in the next Session a Bill may be brought forward containing provisions to obviate any of the inconveniences which might arise under the present measure. It would not be right to call upon my right hon. Friend for any opinion at present, nor ask him to pledge himself to take any particular course; but I do ask him to consider whether it would not be better to send up the Bill as it stands, with any Amendment which may be needful upon the Report, reserving till next Session the question of extending the appellate jurisdiction of the new Court to Ireland and Scotland. I agree with my right hon. Friend (Mr. Bonar) that it is impossible that if the House of Lords surrender their appellate jurisdiction in English cases, they can retain it for the comparatively few cases that come to them from Scotland and Ireland. The loss of the appellate jurisdiction in those cases must necessarily follow. We may safely rely upon the result, and I should, therefore, be glad if my right hon. Friend at the head of the Government would abstain from moving the re-committal of the Bill, reserving to himself the right next Session of introducing a new measure to carry out the object he has in view.

MR. BUTT joined in the appeal which had been made to the right hon. Gentleman at the head of the Government to postpone for the present the extension of the new jurisdiction to Irish and Scotch appeals, but upon grounds differing from those already urged. He hoped the question of extending the operation of the Bill to Ireland would not be pressed during the present Session; for he had found that there was a strong opinion against it in that country founded on very valid objections. After carefully considering the provisions for transferring Irish appeals to the English Courts, he entertained a strong objection to such a transfer. That, however, was not the time for stating the grounds to that objection. He was prepared to do so, but the proper time would be if the

hon. and learned Gentleman the Attorney General persevered in the Motion for re-committing the Bill. One objection, however, lay upon the surface. It was a mistake to suppose that that was a Bill for substituting another tribunal for the House of Lords. It was really a Bill to substitute another tribunal for the Court of Exchequer Chamber, and so to supersede the necessity for appealing to the House of Lords. There was at present in England an appeal from the Judges to the full Court; from the full Court to the Exchequer Chamber; and afterwards to the House of Lords; and what was proposed was to make one Court of Appeal only—the Court of Exchequer Chambers. It was not proposed, however, to do that in Ireland. The Court of Exchequer Chamber there was to be left untouched, and there were still to be three appeals; but an English Court was to be set up as a Court of Appeal for Ireland instead of the House of Lords. The scheme of the Bill for Ireland was to strengthen the intermediate Court of Appeal, making it so strong as to supersede the necessity of appealing to the House of Lords. The Bill for Ireland, therefore, would become a totally different Bill from that which was applicable to England. After the predominant opinion expressed on the other side, he was almost afraid to say that, in his opinion, a great mistake had been made in taking from the House of Lords its appellate jurisdiction. He did not believe it would be possible, by any new tribunal, to replace the great traditions and the prestige which belonged at present to the House of Lords. Apart from that question, however, the House was not in a position now to deal with the Irish appellate jurisdiction, as they were doing with the English. It was proposed by the Bill that the Lord Chancellor of Ireland and the Lord Chief Justice of Ireland should sit on appeals in this country; but how could they leave the business of their own Courts, without the substitution of a new Court for the Irish Exchequer Chamber. The Lord Chancellor of Ireland and the Lord Chief Justice of Ireland would come to sit as strangers in a Court to which they were unaccustomed. They would feel that they were inferior members of that Court. He was not sure that the Irish

people would be satisfied with the proposition of the Bill to transfer from the present highest Court of Appeal for the three kingdoms the jurisdiction which it had hitherto exercised in the case of appeals from Ireland to an English Court only co-ordinate with the Courts in Ireland from which those appeals were to come. That proceeding had been tried in the time of Lord Mansfield, with an unfavourable result; and he was not sure that the people of Ireland would be satisfied if the decision of the Court of Exchequer Chamber in Ireland were reversed by Judges in England. He had no right to speak on behalf of any one but himself; but he believed the objection he entertained to the Amendment introduced with reference to this matter was very largely shared by people in Ireland. Why should there be any hurry on this subject of dealing with appeals from Ireland? The people of Ireland had suffered under grievances for many a generation, and for a Session or two more they could contentedly wait to see how this plan as to the hearing of English appeals worked before asking that it should be extended to Irish appeals. He would say—“*Fiat experimentum in corpore vili;*” but for once let an experiment on a vile body be made in England. He hoped the right hon. Gentleman at the head of the Government would accede to his request, that so far as concerned Ireland the proposition about a transfer of jurisdiction in the matter of appeals—or, in other words, an attempt to place a sort of excrescence upon the Irish system of judicature—would be delayed for a Session or two.

DR. BALL said, he did not agree in the views which had been expressed by the hon. and learned Member for Limerick, for one of the main reasons which induced him to consent to a transfer of Irish Appeals to the same Court as that which the Bill proposed should be constituted to hear English appeals was, that such transfer would further consolidate an intimate union between the two countries. With that object in view, he thought it was most undesirable that there should be proclaimed such an essential difference between the two countries as was implied in the demand that there should be one tribunal for hearing English appeals and another for hearing Irish appeals.

A large majority of the Irish Members were ready to vote with him on this question, and he was supported in it not merely by Members on his own side of the House; on the contrary, he had the support of hon. Gentlemen sitting on the Liberal side. He deeply regretted that the hon. and learned Member for Cork (Mr. Downing), who knew well the feeling of the Irish people, and particularly of the legal portion of that people, was absent. That hon. and learned Gentleman felt deeply on this question; and in the very last conversation he had with him he urged him not to give way on this subject. He (Dr. Ball) did not like delay. He was satisfied with the terms which had been offered by the right hon. Gentleman at the head of the Government, who had offered everything which Ireland or the Irish Bar ought to demand. There was no certainty that the right hon. Gentleman would be at the head of the Government another year, or, if he was, he might not be disposed to offer the same terms again. In opposition to the suggestion that the question concerning the hearing of Irish appeals should be delayed, he must say that he recollects the promise solemnly made by his noble Friend the Chief Secretary for Ireland that he would introduce a Bill relating to Labourers' Dwellings in Ireland, and from that day to this not only had he not brought in such a Bill, but he (Dr. Ball) did not believe that there was a draft or a sketch of it in the well-supplied pigeon-holes of the Irish Office. The fact was, no Government wished to embark on Irish questions unless pressure was exercised. There was an opportunity now of pressing the right hon. Gentleman at the head of the Government; good terms had been offered by the right hon. Gentleman, and if the offer of those terms were not accepted, hon. Members would act very short-sightedly with reference to the interests of Ireland.

MR. VERNON HAROURT said, he thought the very candid speech of his right hon. Friend the Member for the University of Dublin (Dr. Ball) would explain the situation in which they were placed with reference to the House of Lords. The Government, by accepting the Motion of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouvierie), had created all the diffi-

culties in which the House of Commons was placed. They accepted it, because the right hon. Member for Kilmarnock was supposed to represent the Scotch Members, and the right hon. Gentleman the Member for the University of Dublin the Irish Members. It was the right hon. Gentleman the Member for Kilmarnock who asked the House to commit this dreadful breach of the Privileges of the House of Lords, and it was well he was going to be supported by the right hon. Gentleman opposite the Member for Buckinghamshire. The only mistake which was made by the Government was that they did not take a division on the subject, because if a division had been taken on the Motion of the right hon. Member for Kilmarnock, it would have been seen that the Scotch Members voted with him, that the majority of the Irish Members voted with the right hon. Member for the University of Dublin, and that the Conservative party voted under the direction of their Leader to do the very act for which the House of Commons was now attacked as a gross breach of Privilege of the House of Lords. That was the view taken by the Leaders on either side nobody could doubt for a moment. His right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) was not now present, but he made a very elaborate and ingenious speech objecting to the course taken. He referred to almost every possible topic. The one topic which was conspicuous by its absence was the question of a breach of the Privilege of the House of Lords. Now, could it be conceived to be possible that the right hon. Gentleman the Member for Buckinghamshire, whose great reputation had been built up in the House of Commons, would have willingly and intentionally consented to that House committing a breach of the Privilege of the House of Lords? Certainly not. The right hon. Gentleman was much too tender of the honour and reputation of the House of Commons to have taken any such course, and if he did not urge an objection about a breach of the Privilege of the House of Lords, it was because he thought such an objection could not be well founded. There had been a speech made by an eminent and learned Lord on this subject, and there had been a speech by the Prime Minister and Leader of the House of Commons. As to those two speeches,

one was an assertion and the other was a counter-assertion. One assertion was as good as another "and a great deal better." But he must venture to ask the attention of the House, as that question of breach of Privilege had been raised, to a precedent which occurred at a very important epoch. In 1675, the House of Commons sent up a message to the House of Lords objecting to the exercise of their judicial functions, and requesting a conference between the two Houses on the subject. The message which the Lords sent in reply—28th of May, 1675—was as follows:—

"That the Lords did not agree to a conference when the whole matter concerned the judicature of the Lords, on which they could admit no debate nor grant any conference. But this present Message being for a conference as to the privileges of their House—that is, House of Commons—the Lords have agreed, always provided that nothing be offered at the conference that may any way concern their Lordships' judicature."

The answer of the House of Commons to this claim of the House of Lords was as follows:—

"That the House of Commons do agree with the Lords that conferences between the two Houses are essential to Parliamentary proceedings when they are agreed in the usual and Parliamentary way, but the manner of the Lords' agreement to the Conference to have been on Friday, the 28th of May, in the Painted Chamber with limitation and proviso, did necessitate the House of Commons to forbear to meet at that Conference, and gave the first interruption to Parliamentary proceedings in conferences between the two Houses. For that the Conference desired by the Commons was upon their Privileges concerned in the Answer of the Lords to a Message of the House of Commons, sent to the Lords the 17th of May, in the case of Mr. Onslow, to which the Lords did not agree, but did only agree to a Conference concerning their Privileges in general, without reference to the case of the said Mr. Onslow, which was the only subject-matter of the desired Conference. The limitation in the Lords' agreement to a Conference, with proviso that nothing be offered at the Conference that may in any way concern the Lords' judicature, is in effect a denial of any Conference at all upon the subject upon which it was desired which ought not to be. The judicature which the Lords claim in appeals against a Member of the House of Commons, and the privilege of that House in that case is so involved that no conference can be upon the matter without some way touching the former. That this manner of agreeing to a conference with any limitation or proviso is against the course of proceedings between the two Houses in coming to conferences, and doth seem to place a power in the managers of such conferences to judge whether such provisos be broken or not, and accordingly to proceed or break off the conference upon their own judgments. The House

of Commons doubt not, but that, when the Lords have considered of what is delivered at this Conference, the good correspondence which the Lords express their desire to continue between the two Houses (which the Commons are no less careful to maintain) will induce them to remove the present interruption of coming to conferences, and therefore to agree to the conference as it was desired by the House of Commons, upon the privileges of their House concerned in the Lords' Answer to the Message of the House of Commons in the Case of Mr. Onslow: That the particular limitation, that nothing be offered at the Conference, that may any way concern the judicature of the Lords, appears unreasonable; for that their Lordships' judicature in Parliament is circumscribed by the laws of the land as to their proceedings and judgments: and is, as well as all other Courts, subjected to Parliament."—[*Parl. History*, iv. 732-3.]

That was the language of the House of Commons when the question of Privilege in respect of their judicature was raised, and that language formed an important item in our constitutional history. The result of this difference between the two Houses appeared to have been the dissolution of the first Parliament of Charles II., which had then sat for 15 years. Two days after the occurrence to which he had just referred, the King came down to Parliament and, with the ready wit and sharp-sightedness that distinguished him, he made a speech that accurately described the situation, and which was somewhat germane to the situation in which the House now found itself. He said—

"My Lords and Gentlemen: You may remember, that, at the meeting of this Session, I told you no endeavour would be wanting to make the continuance of this Parliament impracticable. I am sorry that experience hath so quickly showed you the truth of what I then said; but I hope that you are well convinced, that the intent of all these contrivances is only to procure a Dissolution."—[*Ibid.* 737.]

Probably, the same observation might be equally applicable at the present moment to a quarrel which seemed to have been most unnecessarily attempted to be picked between the two Houses of Parliament. It was for those reasons that he entirely concurred in the view that had been taken of the matter by the right hon. Member for Kilmarnock. It appeared to him that the House of Commons had two things to do, and that they must try and combine them—first, pass the Bill; and secondly, not to admit the claim of Privilege which had been set up by the Lords. The question was, how could those objects be best attained. If, in order to pass the Bill, it were

necessary to admit the Lords' claim to Privilege, he would rather lose the Bill than admit their claim. He did not, however, think that that was necessary. In the first place, this was a claim advanced not by the House of Lords—the claim did not appear upon the records of either House of Parliament, and if it were passed by as an idle wind nothing would remain of it beyond the speech of the noble and learned Lord who had set it up, and the speech of the right hon. Gentleman at the head of the Government in that House in reply to it. By adopting the suggestion of the right hon. Member for Kilmarnock the Bill would be saved, while the claim of the Lords would not be admitted; whereas if the Bill containing imperfect clauses were to be sent up to the other House, in order that it might be perfected there, it might be construed as a yielding to the claim of the Lords. Under those circumstances he joined with the right hon. Member for Kilmarnock in appealing to the right hon. Gentleman the Prime Minister not to pursue the course he had indicated the other day, but having got the Bill out of Committee, to go on with the Report, and to send it up to the House of Lords, and so remove all pretext whatever for advancing that dissolution in the manner to which King Charles II. had referred.

Mr. OSBORNE MORGAN said, he had given Notice, at an earlier part of the evening, of a Motion which would distinctly raise the question of Privilege, which ought to rest upon some sounder footing than the mere *dicta* of text writers and doubtful precedents. He advised the House to decline to take upon themselves at this period of the Session the responsibility of altering the whole of the law of Irish and Scotch appeals. It appeared to him that this claim of the House of Lords, which had been somewhat ostentatiously made, not by the House of Lords, but by a single Member of that House, amounted to this—that it was not competent for the House of Commons, in the most minute degree, to alter any Bill sent down from the House of Lords touching its appellate jurisdiction. That appeared to him to be a most dangerous proposition, and one which it would not be consistent with the dignity of the House of Commons to pass over in silence. If there was one thing more than another in

which the people were interested, and over which it was the duty of that House, as guardians of the rights of the people to watch, it was the administration of justice, and if that House were to hesitate to express its opinion on the judicial functions of the House of Lords, it would not only be surrendering one of its greatest Privileges, but be committing a great national wrong. The passage relied on by Lord Cairns in *Blackstone* did not apply, because it was written by him in reference to the Lords not in their judicial capacity, but as Members of the Legislature, and if it were not, the point was far too important to be settled by a text writer, however eminent. To re-commit the Bill would be a grave mistake, for, supposing the Bill to be passed by the Lords in the shape in which it was now proposed to be sent up to them, they would actually create two new Judges with nothing to do. He, therefore, thought the House was bound before parting with the Bill, to enter its emphatic protest against the claim set up by the House of Lords. It was said that what was good for England was good for Scotland and Ireland, and earlier in the Session such an argument would be unanswerable; but just now the shadow of the long vacation was upon the House, and the question in every man's mind was—"How soon can we get out of this place?" It would be absolutely necessary to deal ultimately with this question of Irish and Scotch appeals; but when that time came it ought to be considered as a whole, and clauses for Scotland and Ireland ought not to be pitchforked into a Bill for England. Take away the English appeals, and the House of Lords would die of inanition.

Mr. SPEAKER: The Question is, that this Bill, as amended, be considered on Thursday next. The whole of this discussion has been, according to my judgment, somewhat premature. It would have been more properly raised on the question of the re-committal of the Bill, which has not yet been proposed. I submit this observation to the House that, on the Motion that this Bill be considered on Thursday next, no Amendment could be moved, except as to the time at which the consideration of the Bill should be taken; and therefore any discussion not relevant to an Amendment of that kind is out of place.

MR. OSBORNE MORGAN said, after that intimation from the Chair he would not, of course, continue his remarks; but in making them, he was only following the example of other hon. and right hon. Members. He would only express a desire that the Prime Minister would accede to the universally expressed opinion of the House.

SIR PATRICK O'BRIEN, as an Irish Member, did not concur in the observations of the hon. and learned Member for Limerick (Mr. Butt). His impression was, that one of the Irish Judges at all events, and that was the Lord Chancellor, would have no particular difficulty in attending any Appeal Court in England. He deprecated delay; but at the same time, the passing of a Bill for the United Kingdom or for any portion of it that year was a comparatively unimportant matter; the more important question was, whether, on a great question of Imperial policy, the one Bill should not embrace the three kingdoms. The questions of Irish and Scotch judicature could not be postponed in the *nonchalant* manner assumed by the hon. and learned Member for Oxford (Mr. Harcourt), who addressed them as a monitor from the dépôt centre of Oxford. Was that an occasion on which they ought to legislate for England? ["Hear, hear!"] That cheer of his hon. and learned Friend was not a cheering cheer. He supported the views of his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) and he believed his opinions were shared by Irish Members generally. [Mr. MITCHELL HENRY: No, no!] It was all very well for his hon. Friend, who wrote a letter to *The Times* once a week, to say, "No, no;" but he (Sir Patrick O'Brien) had had experience in that House for 20 years, while his hon. Friend had only been in it about two—so that his interruption was out of place. As he had said before, he believed Irish Members generally were in favour of there being only one Court of Appeal for the United Kingdom. He therefore wished to advance as far as he could the view of the right hon. and learned Member for the University of Dublin, that this great question ought to be considered in the Imperial Parliament as one affecting the United Kingdom, whether it was considered now or next year, or by a new Parliament.

MR. GLADSTONE: In the few remarks which I am about to make I shall endeavour to bear in mind the observations that have fallen from the Chair; but I think, after so much has been said, and with so much ability and authority, in reference to the future course of this Bill, to be considered on Thursday next, perhaps I ought not to pass altogether unnoticed the appeal made to the Government. I am bound to say with regard to the speech of the hon. and learned Member for Limerick (Mr. Butt), whether or not we may ultimately agree with his conclusions, we shall arrive at them upon grounds totally and diametrically opposite to his. I am sorry, however, he has thought it necessary to avow the opinions he has declared with regard to the best arrangements in regard to the Irish judicature. With respect to the speeches which have been made upon the subject, I have the good fortune to agree with their main principle. As far as I am concerned, I have no doubt there ought to be one final Court of Appeal for the three kingdoms; and I have also no doubt, after listening to the very manly statement of the right hon. and learned Gentleman the Member for the University of Ireland (Dr. Ball), there will be one Court of Appeal for the three kingdoms, and that the just claim of Ireland has received a recognition which I believe will be permanent and effectual at the proper time, whether it be found practicable or not to give effect to it during the present Session. I think it only just to say so much in answer to what has fallen from the right hon. and learned Gentleman. There has been no difference expressed among the speakers to-night with regard to the supposed Privilege which has threatened to be an impediment to our proceedings, and for my own part, all reflection confirms me in the conclusion that that Privilege is as purely visionary as any claim in the history of Parliament that ever was set up. On the other hand, those who share that opinion agree with the Government in thinking it is not desirable we should enter into controversy with the other House of Parliament upon the subject. It has been our desire to frame our course with reference to this principle—it might be, if the House of Commons were weaker than it is, it could not afford to pass by an occasion when

its rights are challenged; but it is because it is strong in the breadth and depth of its popular base, as well as in great historical traditions, that we come freely to that conclusion which the public interest dictates as the best, on the whole, with reference to the circumstances before us, and do not trouble ourselves about the question—what observations or criticisms may be made upon the apparent surrender of rights, which, if we had thought fit, we might have proceeded to urge? The hon. and learned Member for Oxford (Mr. Harcourt) has most justly laid the ground of the proceedings we should take in this case; when he says that we have two objects to reconcile as well as we can. One is to promote the passing of this Bill, and the other is to hold ourselves clear from an acknowledgment of the claim which has been set up. On all these matters of principle the House is not likely to be disturbed by serious differences. The point at which I should part company with the right hon. Member for Kilmarnock is in the very great preference which he has expressed for one mode of proceeding over the other. He thinks if we were to pass a Bill constituting a complete Court of Appeal and send it to the Lords, leaving it to them to insert the transference of appeals from the House of Lords, we should seriously compromise the rights of this House; but if we simply withdrew from the purpose, which certainly had been entertained, and which appeared at one time to meet, if not with the unanimous, at least with the general approval of the House, in that case no harm would be done. I say frankly this is a matter in which the Government is ready to be prompted and led by the general conviction of the House. When we accepted the Motion of my right hon. Friend the Member for Kilmarnock on a former night, Member after Member in different parts of the House rose to express satisfaction with the course we had taken, and when, in pursuance of our announcement, we placed Amendments on the Notice Paper of the House we were no longer free to act and to recede from them, unless we ascertained in the first instance the feeling of the House. But I frankly own my opinion is that we shall not—I mean the House will not—escape criticism, whatever course may be taken. In the one case,

as was most justly stated by my right hon. Friend, there will be a record in the official and authentic documents of this House; in the other case there will be none. But in either case it will remain as matter of history—as a matter admitting of no moral doubt whatever—that a claim of Privilege had been raised—I need not say by whom, not by the House of Lords—which might have affected the proceedings of the House of Lords; that that claim had been firmly, promptly, and generally repudiated by the House of Commons, but still that the House of Commons had thought it well, on the whole, to waive any controversy at the time and under the circumstances. I am quite ready, for my own part, to incur whatever disadvantage may arise from our decision. And I found myself distinctly and expressly on this one ground—that the House of Lords have sent us a Bill in which they have patriotically given up a great Privilege and power of their own; and it is the consideration of that conduct on the part of the House of Lords which I think renders it right for us to meet them with courtesy and conciliation, even although the act which we perform might in the minds of persons not thoroughly informed lead to the suspicion that we have not been so jealous of our Privileges as we ought to be. I have said we were very willing to follow the feeling of the House on the choice of those two courses, the difference between which does not touch the essence of this question. There is advantage, no doubt, in fixing at once the principle that a single Court of Appeal shall be established for the three kingdoms; but I feel the force of the observation that undoubtedly there is also some disadvantage in postponing the consideration of the intermediate appeals to a period different from that at which you are fixing the standard and tribunal of final appeal. The discussion we have heard has certainly gone far in my mind to show that we need not consider ourselves under any obligation of honour or courtesy to the House of Commons to persevere in the course we had proposed. Not only as to the speeches which have been made, and the authority of the speakers, but likewise the manner in which they have been received, justifies me, I think, in saying as much as that. I feel the general desire of the House

is to place us in a position of perfect freedom, without reference to any supposed pledge either to my right hon. Friend, or to anyone else, to take the course which may seem on the whole to be the best. I will, therefore, with the permission of the House, act upon the suggestion of my right hon. Friend the Member for Morpeth, and will not, without an opportunity for further consultation with my Colleagues, proceed at this moment to announce any positive intention. At the same time, I think it is desirable at this period of the Session that we should make known our intention as early as possible, and, therefore, unless some unexpected difficulty arises, I will this evening and in the early part of to-morrow endeavour to ascertain their opinions on the matter; and I hope at the meeting of the House to-morrow, I may probably be in a position to state whether we think it requisite or not to proceed with that part of the measure. But I again assure the right hon. Gentleman opposite and those interested, especially either in the case of Ireland or of Scotland, that if we are released from any obligation to proceed at this moment with that portion of the Bill, we do not deem ourselves released from the obligation to give that just consideration to the claims of those two countries which we had intended to give if we had dealt with them this year. In any case we shall act on the suggestion of my right hon. Friend the Member for Kilmarnock, and propose, not on the re-committal of the Bill—for it does not require re-committal—but on the Report, one or more of those Amendments which relate to the qualifications of those who should be chosen to become members of the Court of Final Appeal. With those observations I shall cease to trouble the House any further; but I hope to-morrow—probably when the House meets at 2 o'clock—to be in a position to announce whether we shall act on the suggestions that have been made.

**MR. DISRAELI:** I desire, Sir, to offer a few observations. I shall not offer them in opposition to any ruling you may have made when I was unfortunately absent, because I think my first duty is to obey your ruling in every respect. But I have heard enough since my return to the House, and also learnt enough of what was expressed when I was absent, to induce me to believe that

I shall be acting entirely according to the Orders of the House and to your decision if I make some remarks on those which have preceded me. This, Sir, is a singular occasion. We are really acting in circumstances not easily paralleled in Parliamentary history, and it is of great importance on occasions like the present, that there should be clear conclusions arrived at by the House, whatever those conclusions may be, so that hereafter, when these cases are referred to as precedents, they may be referred to, so as to guide and not to confuse us. It has often occurred to me during the last fortnight, how extraordinary it is that, considering the circumstances in which this Bill for the reform of the judicature of the country was introduced to Parliament and the concurrence of sentiment in its favour among the most eminent men of both parties, we should have arrived nearly at the end of the Session, and only just terminated our labours in the Committee, leaving them, too, in a sort of provisional state; that we should have become embarrassed with so many difficulties, when it was expected that the measure would pass with such facility; and that such a question as a possibility of a collision between the two Houses should be raised; and that it should be rumoured on authority that the House of Lords might have to vindicate its Privileges in the conduct of a measure which came from the House of Lords itself, and was carried by that Assembly with so much unanimity—I say all this appears to me to constitute one of the most extraordinary situations that ever presented itself in Parliament. Sometimes we say—probably with some degree of rhetorical affectation of a measure we may be discussing, it is not a party question, while it is possible that beneath the surface of sentiment there may be some party animosity, and perhaps even some party manœuvres. But this I can say, as to the Bill for the reform of the judicature of the country, that none of these imputations can be made. It was brought forward by Her Majesty's Government in the other House; it was supported in the other House by the most eminent Leaders of the Opposition; it met with no resistance there; it elicited, I think, from the Leaders in both Houses—and certainly from the Leader of the other House—the acknowledgement that a generous support had been

given to it. When the second reading was moved here, no opposition was offered. No doubt, when it got into Committee it provoked a considerable degree of criticism, which, having listened to with impartial attention, I thought was valuable and useful. But the greater part of that criticism emanated from the supporters of the Government, and I regret that many of the propositions made by them on those occasions were not adopted by the House. As far as the great principles of the measure are concerned, I am not aware that any difference of opinion was expressed in either House. The mature opinion of the country was in favour of the proposed reform of the judicature, and both Houses, generally felt it to be their duty to support the Government on the occasion. The country had adopted the two great principles that in that reform there should be a Court of Primary Decision, and a Court of Conclusive Appeal. There might have been a difference as to the means by which those principles should be carried into effect. For my own part, I never disguised my opinion that it would have been well to have proceeded on the old lines, and that you could have effected the required development of your judicature within the House of Lords. But the Government having considered the case and brought forward a measure founded on principles that we acknowledge, I, and others too, waived our opinions in regard to the means by which the object might be attained, and felt that it was our duty to support the Government. This was the opinion—I may say without reserve—of my noble and learned Friend, who has taken so active a part in the matter, and his view agreed with mine. I had long ago spoken with Lord Cairns on the subject, and he always thought that, if possible, we ought to proceed on the old lines; and we all know that last year he himself brought forward a proposition, by which a single Court of Appeal might be established in this country, and yet that it might be found within the precincts of the House of Lords. Lord Cairns, nevertheless, gave the present Bill his hearty and sincere support, and possibly but for that support the Bill might not have reached us with such facility as it did.

It is remarkable, under these circum-

stances, that such difficulties should occur. When the Bill was introduced two objections were urged against it, even by those who supported its principles. It was said—and, indeed, no one could deny it—that it did not furnish a Court of general and universal Appeal, and that it was to be regretted that two kingdoms of Her Majesty were not under the jurisdiction of the new tribunal. The second objection to the measure of the Government was, that the Court was so constructed that it lacked some of the vigour and authority which had been promised to the people of this country, and which they expected in the new tribunal, and which alone had brought them to consent to the abolition of the jurisdiction of the House of Lords. With these two objections urged against the measure, the House was yet still prepared to support the scheme of the Government. What then occurs? The Government resolved to meet the first great objection to the scheme—namely, that it did not establish a system of general and universal jurisdiction, that it did not regulate the affairs of the United Kingdom in the Appellate Court; and they proposed, by accepting the Motion made by the right hon. Gentleman the Member for Kilmarnock, to remove that difficulty, and to extend the Bill to Scotland and Ireland. But in so doing, it must be observed they increased and aggravated the objection that had been brought against the new tribunal as lacking in the vigour and authority that had been promised to the country, because it must be quite clear that in this amended Bill it was quite possible you might establish an Appellate Court as a substitute for the jurisdiction of the House of Lords, in which the affairs of an English suitor might be decided upon by Scotch and Irish and provincial and colonial Judges. With the utmost confidence that no person would be appointed a Judge who was not entitled to the respect, and, in a certain degree, to the confidence of the country, that cannot be candidly described as a fulfilment of the promise held out that the Court should be pre-eminent for its strength, its sagacity, and the high character and profound learning of its Members. In this state of affairs, notwithstanding the general feeling, we were resolved to carry the measure of

the Government, and however I might have regretted some of the means by which they carried their principles into effect, and however I might have regretted that some of the Motions—most of them proposed by hon. Gentlemen opposite—to strengthen the new tribunal had failed, I thought, on the whole, it was our duty to support the measure. Well, what happened? Suddenly it was intimated to the House that the course proposed by Her Majesty's Government interfered with the Privileges of the House of Lords. It was described by the right hon. Gentleman the Prime Minister as "a supposed Privilege," "purely visionary," and the announcement of it is described by him as "a challenge to the House of Commons." Now, it is of the utmost importance, after the speeches of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), and of the hon. and learned Member for Oxford (Mr. Harcourt), and after the speech just addressed to us by the right hon. Gentleman, that there should be a clear conception what is the Privilege asserted by the House of Lords. Whatever course the Government may decide upon to-morrow, there ought, so as far as the House of Commons is concerned, to be a clear conception of the Privilege claimed, of the answer which this House has made by its most eminent representative, and of the position in which, in consequence of that answer, we are placed; otherwise we may find ourselves in a position of embarrassment, in a position of discomfiture and disaster, not merely, as I shall show, for this House, but even for the other House.

I understand the Privilege claimed by the House of Lords is this—that where their Privileges are concerned—and, of course, their jurisdiction, which is perhaps their highest privilege—no Bill can be brought in to alter or amend them unless it originates in the House of Lords, and that such a Bill cannot be altered in respect of those Privileges in the House of Commons. An hon. Gentleman who addressed us the other night, commenting on an observation or two I had made, said I had refrained from vindicating the Privilege claimed by the House of Lords. Well, I was not sent to the House of Commons to vindicate the Privileges of the House of Lords. In the first place, the case

was not before us, nor is it before us now, except incidentally, after the speeches of hon. Gentlemen endorsed by the First Minister. I am sent here to support the Privileges of the House of Commons, and I am not in any way prepared to say that I am ready to admit the Privilege asserted by the House of Lords in this respect, and I find fault in the first instance with the right hon. Gentleman for taking a course which is practically a precipitate admission of the Privilege claimed by the House of Lords. No doubt, he declared the Privilege to be purely "visionary;" no doubt, he has indulged in very high language upon this assertion of Privilege; but his language, though we always listen to it with pleasure, will not practically have the slightest effect upon the question. The speeches of the right hon. Gentleman are not enrolled in our Journals. What will appear in our Journals will be extraordinary vicissitudes of conduct on the part of Her Majesty's Government and great caprice in the management of this House and when the matter is examined it will be discovered that all this has arisen from a certain mesmeric influence exercised by another House of Parliament. In short, when a few years have passed, the conduct of the Government will be quoted as evidence of the existence of this alleged Privilege of the House of Lords, and there will, under those circumstances, be great difficulty in proving that it is, as he now calls it, purely visionary. Although, however, I am not here to vindicate the Privileges of the House of Lords, if a Privilege is claimed by that House, and if the Leader of this House denies its existence and attempts to disprove its validity by precedents which do not apply, and by arguments which are fallacious, it is my duty to notice those statements, otherwise the House, under such leading, will find itself led into a quicksand. I cannot, therefore, allow this occasion, after all that has occurred, to pass without some comment on the statements of the right hon. Gentleman, and particularly after the observations made to-night by the hon. and learned Member for Oxford and the right hon. Member for Kilmarnock. It is necessary that the House should calmly consider this case, and not be hurried away into conclusions which, if they have no

given to it. When the second reading was moved here, no opposition was offered. No doubt, when it got into Committee it provoked a considerable degree of criticism, which, having listened to with impartial attention, I thought was valuable and useful. But the greater part of that criticism emanated from the supporters of the Government, and I regret that many of the propositions made by them on those occasions were not adopted by the House. As far as the great principles of the measure are concerned, I am not aware that any difference of opinion was expressed in either House. The mature opinion of the country was in favour of the proposed reform of the judicature, and both Houses, generally felt it to be their duty to support the Government on the occasion. The country had adopted the two great principles that in that reform there should be a Court of Primary Decision, and a Court of Conclusive Appeal. There might have been a difference as to the means by which those principles should be carried into effect. For my own part, I never disguised my opinion that it would have been well to have proceeded on the old lines, and that you could have effected the required development of your judicature within the House of Lords. But the Government having considered the case and brought forward a measure founded on principles that we acknowledge, I, and others too, waived our opinions in regard to the means by which the object might be attained, and felt that it was our duty to support the Government. This was the opinion—I may say without reserve—of my noble and learned Friend, who has taken so active a part in the matter, and his view agreed with mine. I had long ago spoken with Lord Cairns on the subject, and he always thought that, if possible, we ought to proceed on the old lines; and we all know that last year he himself brought forward a proposition, by which a single Court of Appeal might be established in this country, and yet that it might be found within the precincts of the House of Lords. Lord Cairns, nevertheless, gave the present Bill his hearty and sincere support, and possibly but for that support the Bill might not have reached us with such facility as it did.

It is remarkable, under these circum-

stances, that such difficulties should occur. When the Bill was introduced two objections were urged against it, even by those who supported its principles. It was said—and, indeed, no one could deny it—that it did not furnish a Court of general and universal Appeal, and that it was to be regretted that two kingdoms of Her Majesty were not under the jurisdiction of the new tribunal. The second objection to the measure of the Government was, that the Court was so constructed that it lacked some of the vigour and authority which had been promised to the people of this country, and which they expected in the new tribunal, and which alone had brought them to consent to the abolition of the jurisdiction of the House of Lords. With these two objections urged against the measure, the House was yet still prepared to support the scheme of the Government. What then occurs? The Government resolved to meet the first great objection to the scheme—namely, that it did not establish a system of general and universal jurisdiction, that it did not regulate the affairs of the United Kingdom in the Appellate Court; and they proposed, by accepting the Motion made by the right hon. Gentleman the Member for Kilmarnock, to remove that difficulty, and to extend the Bill to Scotland and Ireland. But in so doing, it must be observed they increased and aggravated the objection that had been brought against the new tribunal as lacking in the vigour and authority that had been promised to the country, because it must be quite clear that in this amended Bill it was quite possible you might establish an Appellate Court as a substitute for the jurisdiction of the House of Lords, in which the affairs of an English suitor might be decided upon by Scotch and Irish and provincial and colonial Judges. With the utmost confidence that no person would be appointed a Judge who was not entitled to the respect, and, in a certain degree, to the confidence of the country, that cannot be candidly described as a fulfilment of the promise held out that the Court should be pre-eminent for its strength, its sagacity, and the high character and profound learning of its Members. In this state of affairs, notwithstanding the general feeling, we were resolved to carry the measure of

jesty's Government for the mode in which they have acted. I say it was most indecorous and indiscreet in the Leader of the House of Commons to come forward and denounce the House of Lords, declaring that their alleged Privilege was entirely fallacious, and then yield to it without a struggle, leaving behind him a precedent which may be hereafter quoted in favour of a Privilege of the House of Lords which the House of Commons has never yet acknowledged.

Then, there is another class of precedents quoted by the right hon. Gentleman which might be described as cases in which the House of Lords had, either by initiating measures such as the Septennial Act, or by amending measures such as the two Reform Bills—that of Lord Grey and that of 1867, legislated so as to affect the constitution of the House of Commons. But these only show that the House of Commons either has not, or has never claimed the privilege in question. It is a complete error to assume that the Privileges of both Houses are the same. The Privileges of the two Houses are not and need not be identical. We have peculiar Privileges. Witness the catena of Privileges of the House of Commons as to Money Bills. The House of Lords have peculiar Privileges, and the passage in *Blackstone* which has been referred to is valuable in itself as a proof and an illustration of what in his time was the settled general opinion of legal and constitutional authority upon the question at issue. He limits it to the Peerage. It proves that in his time this Privilege was supposed to be peculiar to the House of Lords and not to the House of Commons. But it is upon this last class of measures, where it is supposed that the House of Lords have legislated so as to effect the Privileges of the House of Commons, the right hon. Gentleman has delivered an opinion of a character so strange and so dangerous—one which both sides of the House are so much interested in completely comprehending and guarding themselves against—that I must call particular attention to it. The right hon. Gentleman says that the House of Lords having hitherto dealt with Bills which affected the constitution of the House of Commons with impunity, if they again take that course we must ourselves assert a

privilege of a similar character and defend ourselves against the House of Lords. Why, Sir, the right hon. Gentleman should know—must know—that it is totally impossible for either House of Parliament to set up a new Privilege. It is part of the Constitution of this country. The most solemn Resolution at which Parliament has ever arrived—arrived at by both Houses, recorded in our Journals so far back as the beginning of the 18th century, at a time when the Constitution of England may be said to have become settled—declared that it should not thenceforth be in the power of either House of Parliament to set up a new Privilege. Our predecessors knew the value of Privilege of Parliament. By Privilege they had established the Parliamentary Government of England and secured their rights and liberties; and they knew well that Privilege was a delicate and dangerous weapon, and therefore they resolved that the armoury should not be increased in that respect, and they arrived at that Resolution. It is upon our Journals, and is perhaps the most important Resolution on the Journals of the House of Commons. And yet we have the Leader of the House of Commons, in a moment of difficulty and danger, protecting the House from the assertion of a Privilege on the part of the House of Lords which, at least, is an ancient Privilege, and telling them that the only efficient mode in which they can guard themselves is to devise a new Privilege to vindicate their rights against the claims of the House of Lords. And this is the constitutional conduct of the Prime Minister of the country! I say with respect to this second group of cases that the House of Commons never asserted the Privilege in question, and no doubt, because the Privilege never existed.

Then there is another class of cases, such as the Temporalities Act, which suppressed some, and the Irish Church Act, which abolished all the Irish Bishoprics; and the right hon. Gentleman brings forward those precedents to show that we have a right to deal with the Privileges of the House of Lords. Now, what I would say generally is this—that in none of these Acts is there any interference with the Privileges or jurisdiction of the House of Peers. There are several things which the House of Commons

may do. They may amalgamate two Sees or abolish one, in each case dealing with the number of the other House. It is also in the power of the House of Commons at all times to present an attainder of a Bishop. For example, we sent up an attainder against the Bishop of Rochester (Atterbury) but the Lords claimed no Privilege in that matter. They never supposed that in dealing with an individual, we were interfering with the rights of an order, and the attainder was passed. The House of Commons might even to-morrow abolish the office of Lord Chancellor, and deprive the House of Lords of their Speaker. It would be no interference with their Privileges and the Act would immediately be recognized. None of these Acts on the part of the House of Commons would be an interference with the status, power, or jurisdiction of the Lords Spiritual or Temporal. They would remain the same. I am not upholding the claim of Privilege now asserted for the House of Lords, and so far as I am concerned, I am not prepared to enter on that subject in the haphazard manner of the right hon. Gentleman, and without ample time for investigation. When the claim is made, I will not shrink from discussing it; but what I want to show to the House is this—that all the arguments and all the precedents urged against this claim of Privilege by the right hon. Gentleman are utterly void, that there is nothing in them, and that if the House of Commons in any possible struggle with the House of Lords depends upon those precedents and arguments, they will find themselves in a position of humiliation, of discomfiture, and disgrace.

I come now to the largest and most important group of these precedents, and they are precedents which refer to Scotland and Ireland. The right hon. Gentleman stated that the jurisdiction as to these two countries being given by statute is not like the English jurisdiction, which is customary, traditional, and inherent, and moreover, that these statutes, the statutes of Union, originated in the House of Commons.

**Mr. GLADSTONE:** If I should not be interrupting the right hon. Gentleman I would wish to explain. I am quoted quite correctly by the right hon. Gentleman. I certainly did treat the

jurisdiction of the House of Lords with regard to English Appeals as traditional; but I was entirely wrong. It undoubtedly rests upon statutory foundation.

**MR. DISRAELI:** Well, there is a statute of Edward which remits and confirms the right of appeal in England to the House of Lords; that is a tolerably long time ago, and the subject is one of those moot points in archaeological polities into which I am not disposed now to enter. I believe the right hon. Gentleman never expressed himself with greater truth and felicity than when he said that the jurisdiction of the House of Lords in England was customary, traditional, and inherent. But I will deal with the modern circumstances upon which the right hon. Gentleman insisted with so much vigour, and which are peculiarly the subject of consideration at this moment, because the course of the right hon. Gentleman and his Government, which is not decided with regard to Scotland and Ireland, depends upon accurate information in this matter. The statement of the right hon. Gentleman, as I took it down at the time, was that the jurisdiction in regard to Scotland and Ireland being given by statute, was not like the English jurisdiction, which was traditional and inherent, and, moreover, that the statute of union originated in the House of Commons. Well, Sir, I entirely contest that statement of the right hon. Gentleman. I will first of all treat of Scotland. The union between England and Scotland was effected by Treaty. The Treaty was negotiated in a very peculiar manner—not by the Prerogative of the Crown, but by Commissioners appointed by the Parliaments of the two countries. During the negotiations considerable conferences were held upon all those points which were afterwards reduced to the form of a Treaty, and executed as a great public document. Among those subjects—subjects of grave importance, trade, taxation, and other matters—the judicature of the two countries was considered, and particularly the judicature of Scotland. The judicature of Scotland was respected and retained. The Privileges of the Peers of Scotland were acknowledged to be identical with the Privileges of the Peers of England. All the powers and Privileges which the Peers of England then exercised were to be exercised by the

forms us to-day, in a very long epistle in the leading journal of the country, printed in those colossal proportions which indicate the importance of the writer, that this matter of bankruptcy is the one that entirely decides the question at issue at present. I do not know who is the writer, because style is deceptive, and if I raised the visor of this anonymous knight perhaps I should see only a mask, and on that mask might be perhaps written "Historicus."

Now, Sir, I have put before the House these facts for its consideration. I presume to say that questions of this kind are not to be carried by bluster and by the bravado of rhetoric. [A Laugh.] Yes, I repeat it, they are not to be carried by the bravado of rhetoric. Opinions, however adroitly or strongly expressed, are nothing when you come to questions of law and Privilege. Precedents which do not apply are always ultimately discovered to be what they are—essentially futile and deceptive. Upon real precedents we alone can rest. I have endeavoured to place before the House what really is the imputed claim of Privilege of the Lords. It is a very large claim—that no Bill affecting the Privilege of the other House shall be introduced into Parliament except in their own House, and when sent down to this House, it shall be susceptible of no change. That is a very large Privilege which I, whether sitting on this side of the House or on the other, would pause long before I should acknowledge. It has been acknowledged with dangerous, I will not say pusillanimous, precipitation, upon the present occasion. No one will deny that, as far as the House of Commons is concerned in relation to this alleged Privilege of the House of Lords, we do not stand as we did a month ago. The right hon. Gentleman has made admissions to-night and before to-night on this subject; and, whatever may be our ultimate decision, at least the ultimate decision of this matter in the Cabinet will be referred to hereafter as a precedent which supported this alleged Privilege. Nor can it be denied that the conduct of the House of Commons has been arrested and altered in this great matter of the reform of the judicature of England by the rumour of the existence of a Privilege of the House of Lords which the Government of Eng-

land has acknowledged as valid. The precedents I have placed before the House refer to another branch of the subject. I give no opinion of my own; I am not called upon to give any opinion in regard to the Privileges of the House of Lords. If it fall to my lot to consider them, I will consider them with candour, and in the spirit of truth and justice, and a love for the Constitution. But when a Minister rises and inveighs against the alleged Privilege, and having showered upon you precedents and arguments to prove that the Privilege is entirely visionary, yet at the same time quite changes his conduct in consequence of the mere rumour of the assertion of the Privilege, it becomes my duty to show you that the precedents upon which he depends are utterly futile and vain; nay, more; that were you to proceed in the course which he recommended, as far as Scotland and Ireland are concerned, you might find yourself in a position which you cannot uphold, and even the Parliament of England might find itself in a false position. These are the remarks which I have to make, and I hope that I may receive, if not at the present moment, on some fit occasion an answer to them. I do not think that it is a fit answer to the statements I have made to be told that I have not brought forward a "rag of an argument." In the first place, that is not a polite expression when addressed by the right hon. Gentleman who leads the House of Commons to one who, with all his deficiencies, still, by the kind indulgence of his friends, occupies the position that I now do. But the observation, which is not polite under these circumstances, when it is followed up by the opinions of his own Law Officers that every remark I made deserved attention, and that every point which I put forward was matter for consideration, but that upon the whole they had only a choice of difficulties to select from, ceases to be discourteous and becomes absurd. I commend these remarks and these precedents to the House of Commons. No one can be more deeply interested in the House of Commons, in its honour, its Privileges, and its integrity than myself. When the House of Lords claims a Privilege which I believe to be constitutional and true I should be ashamed not to acknowledge it. But whatever course I may take, this is one

I will not pursue—I will not denounce the assertion of the Privilege by the House of Lords, and then yield to it.

MR. SPENCER WALPOLE: We have just listened to two very remarkable speeches on the subject of Privilege, although, strictly speaking, the only question before the House is the appointment of a day for the consideration of the Report of the Bill which has just passed through Committee. I take leave to suggest that we shall get ourselves into great difficulty, if on an occasion like the present we proceed to discuss questions not before the House, whether they relate to the extension of the jurisdiction of the Court of Appeal to Scotland or Ireland, or whether they relate to the Privileges of the House of Lords. Both the right hon. Gentleman opposite and the right hon. Member for Buckinghamshire, have assumed that the question of Privilege has been claimed by the House of Lords in a form which requires this House to take notice of it; but I take leave to say that the Question of Privilege has not been raised in the House of Lords in a way that this House either can or ought to notice it at present. It is not merely because a noble and learned Lord, however able and however eminent he may be, may question in the House of Lords upon grounds of Privilege the proceedings in this House—in a way, perhaps, that is somewhat out of order—that any such claim can properly be considered. The only mode in which such claim can properly be considered is when it comes before us in a tangible shape. The right hon. Gentleman who has just sat down has justly observed that this is an unparalleled case in the history of the country, and what I wish to press upon the House is this, that until a claim for Privilege is actually made by either House and communicated to the other, it is impossible to come to any determination upon it. In that, and that way only, the matter may be discussed, and the question may be settled. We had, therefore, better wait until the day is appointed for considering the Bill on the Report, in order that we may have specifically before us any Motion which may be made either as to the propriety of extending the jurisdiction of the new Court to Scotland and Ireland, or as to the mode in which any supposed Privilege of the House of Lords may properly be dealt with. In

saying this I beg to disclaim at the same time any intention of doing anything which may tend to maintain a difference between the two Houses of Parliament.

Question put, and *agreed to*.

Bill, as amended, to be considered upon *Thursday*, and to be *printed*. [Bill 237.]

#### TURNPIKE ACTS CONTINUANCE

BILL—[BILL 199.]

(*Mr. Hibbert, Mr. Stanfeld.*)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [3rd July].

"That it be an Instruction to the Committee that they have power to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864."—(*Lord George Cavendish.*)

Question again proposed.

Debate resumed.

LORD GEORGE CAVENDISH said, that bearing in mind what had taken place the other evening on his Motion for an Instruction, and considering the pledge of the hon. Gentleman the Secretary of the Local Government Board that the Government would be prepared to introduce a measure on the subject early next Session, he would not further press his Instruction. He did not wish to put hon. Members to inconvenience, and feeling that they could not have it all their own way in this world—and certainly not in this House—he would by permission of the House withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. COLLINS said, he was sorry the noble Lord had allowed himself to be frightened from his Resolution and Instruction by the persistence of a minority—he should have thought better of the noble Lord if he had exhibited the "courage of his opinions." He had himself given Notice to move that the House should go into Committee on the Bill on that day three months; but as the noble Lord had withdrawn his Instruction he should follow his example and withdraw his Notice.

Bill *considered* in Committee.

After long time spent therein,

Bill *reported*, as amended, to be considered this day, at Two of the clock,

**RAILWAY AND CANAL TRAFFIC  
BILL**—[BILL 171.]

(*Mr. Chichester Fortescue, Mr. Childers,  
Mr. Arthur Peel.*)

**LORDS AMENDMENT.**

Motion made, and Question,

"That this House doth not insist on its disagreement to the Amendment made by the Lords in page 11, line 3, and which Amendment was leave out (may also, if they think fit), and insert (shall)," put, and *agreed to*.

Amendment proposed,

To insert after the word "shall" in the said Lords Amendments, the words "in all proceedings before them under sections 5, 10, 11, and 12 of this Act, and may, if they think fit, in all other proceedings before them under this Act."—(*Mr. Chichester Fortescue.*)

Question proposed, "That those words be there inserted."

Amendment proposed to the said proposed Amendment, to leave out the figure "10."—(*Mr. Rathbone.*)

Question put, "That the figure '10' stand part of the said proposed Amendment."

The House divided:—Ayes 88; Noes 14: Majority 74.

Words inserted.

**CIVIL BILLS, &c., (IRELAND) [SALARIES]**

[BILL 187.] COMMITTEE.

(*Mr. Downing, Sir Colman O'Loughlen, Mr. Smith Barry, Mr. William Shaw.*)

Bill considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That it is expedient to authorise the payment, out of the Consolidated Fund, of any increase of Salaries provided for under any Act of the present Session to consolidate and amend the Laws relating to Civil Bills and Courts of Quarter Sessions in Ireland."—(*Mr. Downing.*)

Whereupon Motion made, and Question, "That the Chairman do report Progress,"—(*Mr. Glyn.*)—put, and *negatived*.

Original Question again proposed.

Whereupon Motion made, and Question put, "That the Chairman do report Progress."—(*Mr. Secretary Bruce.*)

The Committee divided:—Ayes 21; Noes 26: Majority 5.

Original Question put.

The Committee divided:—Ayes 18; Noes 28: Majority 10.

[No Report.]

**SALMON FISHERIES BILL**—[BILL 93.]

(*Mr. Dillwyn, Mr. William Lowther,  
Mr. Asheton, Mr. Alexander Brown.*)

**CONSIDERATION.**

Order for Consideration, as amended, read.

Motion made, and Question put, "That the Bill be now taken into Consideration."

The House divided:—Ayes 39; Noes 7: Majority 32. Bill considered.

New Clause (Part of the Solway within limits of this Act,)—brought up, and read the first time.

Motion made, and Question put, "That the said Clause be now read a second time."

The House divided:—Ayes 13; Noes 30: Majority 17.

New Clause (Penalty on selling trout or char during close time,)—(*Mr. Borrowing.*)—added.

Amendments made.

Clause 19 (Amendment of "Salmon Fishery Acts, 1861 and 1865.")

Amendment proposed,

In page 8, line 32, after sub-section 3, to insert the words "The fifteenth section of 'The Salmon Fishery Act, 1861,' shall be construed as if the words '(except with rod and line, and otherwise in accordance with the provisions of the Salmon Fishery Acts, 1861 to 1873)' were inserted after the word 'destroy,' in the first sub-section, and after the word 'injure,' in the fourth sub-section of the First Part thereof, and as if the words 'otherwise taken' were added to the second sub-section after the word 'salmon.'"—(*Mr. Walsh.*)

Question put, "That those words be there inserted."

The House divided:—Ayes 10; Noes 29: Majority 19.

Other Amendments made.

Clause 37 (Power of conservators and water bailiffs).

Motion made, and Question put, "That the Clause stand part of the Bill."

The House divided:—Ayes 30; Noes 5: Majority 25.

Other Amendments made.

Bill to be read the third time *Tomorrow*, at Two of the clock.

**PENALTIES (IRELAND) BILL.**

On Motion of The Marquess of HARTINGTON, Bill to amend the Law relating to Small Penalties in Ireland, ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 239.]

**PUBLIC HEALTH ACT (1872) AMENDMENT BILL.**

On Motion of Mr. SPENCER WALPOLE, Bill to amend so much of Section Four of "The Public Health Act, 1872," as relates to the Cambridge Commissioners, ordered to be brought in by Mr. SPENCER WALPOLE, Mr. BERESFORD HORN, Sir ROBERT TORRENS, and Mr. WILLIAM FOWLER.

Bill presented, and read the first time. [Bill 238.]

And the other Orders of the Day, 40 in number, having been disposed of—

House adjourned at Four o'clock  
in the morning.

HOUSE OF LORDS,

Tuesday, 15th July, 1873.

**MINUTES.]—Sat First in Parliament—** The Earl De La Warr, after the death of his brother; The Lord Stourton, after the death of his father; The Lord Manners, after the death of his father.

**PUBLIC BILLS—Second Reading—** Public Works Loan Commissioners (School and Sanitary Loans)\* (193); Militia (Service, &c.) (206). Committees—Report—Gas and Water Works Facilities Act, 1870, Amendment (201); Public Schools (Eton College Property)\* (204).

**Report—** Law Agents (Scotland) (207-213).

**Third Reading—** Blackwater Bridge (Composition of Debt)\* (199); Colonial Church\* (208); Local Government Provisional Orders (No. 6)\* (157), and passed.

CHURCH ASSOCIATION—CONFESSION  
IN THE CHURCH OF ENGLAND.

PERSONAL EXPLANATION.

LORD ORANMORE AND BROWNE said, he desired to offer a personal explanation to their Lordships on a matter that had arisen out of the debate of last night, that the Question on his Motion was put so quickly that he had no opportunity of replying to the right rev. Prelate (the Bishop of Winchester) who charged him with making a tissue of mistakes. With every respect for the right rev. Prelate, he must deny having done so. What he stated with reference to Mr. Maguire was, not that Mr. Maguire had been licensed by two successive Bishops of London to deliver lectures in his church—which he, of course, knew to be unnecessary—but that he delivered the lectures with their sanction. The two Prelates referred to were present last night, and did not contradict this statement, and he believed it to be correct. He stated also, not that the right rev. Prelate (the Bishop of Winchester) inhibited Mr. Maguire, but that he forbade Mr. Curling to allow Mr. Maguire to deliver these Protestant lectures in St. Saviour's Church. He (Lord Oranmore and Browne) believed this also was entirely correct, and he hoped the right rev. Prelate would allow his official communications and the correspondence to be published, that the public might judge what had really occurred.

THE BISHOP OF WINCHESTER: My Lords, I do not apprehend that in what the noble Lord has just stated there is the slightest contradiction to what I said yesterday. I found fault with the noble Lord's assertion that I had inhibited a gentleman who wanted to deliver certain lectures in my diocese. I stated that, being applied to by one of the churchwardens on behalf of the other of the two vicars, I told the vicar who had given the permission that he must not allow those controversial lectures to be delivered in that church. I accompanied that intimation with a statement that I acted from no sort of difference as to the nature of the lectures or from disapprobation of them, but invited him, as there was a public hall not far off suitable for such occasions, to deliver them in another place in the diocese. When, therefore, this was invidiously cited, after the lapse of a year, to represent that I had some dislike to anti-Roman lectures being delivered in my diocese, it was a mis-statement not of a very ordinary character, and I think I was justified in characterizing the statement as a tissue of mistakes. I repeat that the ground of my action was an ecclesiastical objection which had nothing whatever to do with the nature of the lectures. That a gentleman of another diocese, against the will of one of two vicars, and against the will of the laity as represented by the churchwardens, should come and deliver lectures in a church without my permission, is contrary to ecclesiastical régime, and as such I prohibited it, and would prohibit it again to-morrow. The noble Lord wants me to publish correspondence with my clergy. Now, I never will correspond with a

clergyman in my diocese who is corresponding with me in order to send the letters to the newspapers. There would be an end to all the very useful power possessed by a Bishop in his diocese if he once allowed it. The intercourse between me and my clergy is confidential and affectionate—filial on the one side, fatherly on the other. If letters written in that spirit are at any moment of irritation to be thrown into what are called the "religious newspapers," and the world be brought in to criticize every single word of them, there must be an end to all that open, kindly, free correspondence upon which a Bishop's influence for good depends. I therefore—not in this instance only, but in every instance—refuse to communicate, except through my secretary, with any gentleman whose appetite for print is of that voracious character that he writes letters in order to publish them in the newspapers, and I refuse to break my rule in this instance. I have to complain of the noble Lord for saying it was some tendency towards Roman doctrines that had led me to act. That is a most serious charge—as serious an imputation as to charge an officer in the Army with disloyalty to his Queen. I hate and abhor the attempt to Romanize the Church of England, and I will never hear anyone make such a charge without telling him to his face that he is guilty of gross misrepresentation; especially when such charges come from one who has been endeavouring to his utmost in Ireland to get the Prayer Book of the Church of England altered in order to make it suit his views.

LAW AGENTS (SCOTLAND) BILL.  
(*The Lord Chancellor.*)  
(No. 207.) REPORT.

Amendment reprinted (according to Order).

LORD COLONSAY said, he would again bring forward the clause which their Lordships had negatived in Committee by a small majority. He thought the question was of much importance, because by the provisions of the Bill, the Writers to the Signet who had had the right to practise in the Superior Courts of Scotland at least since 1532, and who by that position were entitled to practice as law agents, were required, if they desired to be enrolled as law agents, to

*The Bishop of Winchester*

submit to the same examination, both as to their knowledge of the law and their general knowledge, as was required from persons of inferior position. He thought this requirement degrading to a class of gentlemen of such high standing, and that it tended to degrade the requirements demanded of the Writers to the Signet to the level of those required from the law agents. The Bill, as he understood it, was intended to open the practice of law in the Courts to a larger class of persons who had not hitherto enjoyed the privilege, and he could not at all see why it should give this advantage with one hand and with the other take away the right which had been possessed for over 300 years by a numerous and highly trained body of legal practitioners.

Amendment moved to insert after clause 40 the following new clause:—

"Every person who shall hereafter be admitted a member of the Society of Writers to the Signet shall be enrolled as a law agent by the registrar on producing a certificate of his admission by an officer authorised by the Society to grant such certificate."—(*The Lord Colonsay.*)

THE LORD CHANCELLOR said, he must continue his opposition to the clause. The question was not whether the Society of Writers to the Signet should continue to exist and retain a special connection with the administration of justice in Scotland, but whether they should retain certain special privileges in regard to the right to grant admission to practise as law agents under a Bill which proposed in the case of other bodies of men to abolish similar rights and privileges. He thought upon general principles that it was not expedient, when they were endeavouring to establish a uniform system of admission for the whole country, to go on, and retain the concurrent privileges of an independent body, however respectable that body might be. Since the matter was last before their Lordships, he had received several representations from other legal bodies in Scotland, to the effect that they should be very much dissatisfied if, when other ancient rights and privileges of this kind were abolished, those of the Writers to the Signet were retained. He very much doubted whether the result predicted by his noble and learned Friend (Lord Colonsay) would result from the operation of the Bill, even if, for the purpose of admission to practise as law agents,

Writers to the Signet might be able to qualify themselves by a less difficult examination than they had already passed for that position. He thought it more probable that a just emulation would induce many law agents to attempt to pass the higher examination of the Society of Writers to the Signet, rather than lower the latter to the level of the minimum required for admission to practise.

THE EARL OF ROSEBERRY said; that if it was proposed to level at all it should be by levelling up instead of levelling down. They would not reform their legal system by sweeping away the best part of it. He should support the clause moved by the noble and learned Lord.

On Question? Their Lordships divided:—Contents 60; Not-Contents 40; Majority 20.

*Resolved in the Affirmative;* and Clause inserted in the Bill.

Then, on the Motion of the Duke of RICHMOND, new clause added giving the same right to the members of the Society of Solicitors in the Supreme Court.

Further Amendments made.

Bill to be read 3<sup>rd</sup> on Thursday next; and to be printed as amended. (No. 213.)

GAS AND WATER FACILITIES ACT  
(1870) AMENDMENT BILL. (No. 201.)

(The Earl Cowper.)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

LORD REDESDALE said, that the object of this Bill was not to make good any genuine losses which might have been incurred on account of unforeseen circumstances, but to meet circumstances to which every trading company was exposed, and its practical effect would be to fix a minimum dividend of 5 per cent. This was a dangerous principle to introduce into legislation with regard to public companies, and he felt bound to caution their Lordships respecting it. He thought that an Amendment should be introduced into some of the clauses which would confine the operation of the Bill to genuine unforeseen losses. With that object in view, he would move in Clause 7, page 2, line 25, after ("where"), to leave out ("with a view to prevent undue loss"), and insert ("upon proof given that notwithstanding the exercise of careful economy in

the manufacture of gas loss must arise.") Should that Amendment be accepted, he would further move in lines 26 and 27, to leave out ("or to the prevention of undue accumulation of profits by undertakers"); in line 38, after ("Act"), insert ("such addition being in the opinion of the Board necessary to prevent loss"); and in page 3, lines 1 and 5, to leave out ("five"), and insert ("two").

EARL COWPER said, he did not consider such an Amendment as this necessary. He thought it would not be fair to make companies manufacture gas at reduced profits when the causes of such reduction were no fault of theirs. The proposition was that dividends should be sustained at 5 per cent. Considering that the usual dividend among the shareholders of gas companies was 10 per cent, he did not think this too much of a concession. The public would suffer great inconvenience if these companies, owing to the increased price of materials, suspended operations.

LORD REDESDALE explained that what he objected to was the principle involved.

THE MARQUESS OF SALISBURY would like to extract through the Confessional or otherwise the noble Lord's idea of a shareholder. He appeared to think that the last farthing should be wrung from him, and that he should be allowed no profit. It was only fair that when gas companies had been obliged to give the public the benefit of profits exceeding a certain sum they should be allowed a fair profit when prices altered.

House in Committee accordingly.

Bill reported without Amendment; to be read 3<sup>rd</sup> on Thursday next.

MILITIA (SERVICE, &c.) BILL.

(The Marquess of Lansdowne.)

(NO. 206.) SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF LANSDOWNE, in moving that the Bill be now read the second time said, its object was to extend the term of service in the Militia from five years to six. The Committee last year on clothing had, in the first place recommended this as a more economical period. The contemplated arrangements for stoppages, which would be applied to the Militia again made it desirable to adopt a plan which

would slightly diminish the cost to the public. Six years, moreover, was the normal term of service in the Regular Army. The Bill substituted one form of oath for the various forms of oath now required to be taken in the different parts of the United Kingdom; and provided that where local circumstances rendered it convenient that Militia recruits should be trained with Line soldiers they should, for the purposes of discipline, be under the command of the officers of the Line regiment and should be tried by them in Court martials. The Bill likewise repealed a stipulation in an Act of George III. forbidding the adjutant and permanent staff of the Militia to absent themselves from the place where the arms or stores were kept. Now that the county organization had been abolished, this restriction was undesirable. The fifth clause provided that when a commanding officer was on leave the command devolved on his second in command in accordance with the usual custom of the service. At present the Queen had to sign a warrant in each case. The eighth clause entitled a borough which had contributed to a county Militia armoury to a share of the purchase money. These were the principal provisions of the Bill, which he would be glad to explain further if necessary.

*Moved, "That the Bill be now read 2<sup>o</sup>."*  
—(The Marquess of Lansdowne.)

THE DUKE OF BUCCLEUCH asked whether the Militia bounty would be altered. He thought six years a more convenient term, but doubted whether the disgraceful rubbish now issued to the Militia in the way of clothing would hold together for that time.

THE DUKE OF RICHMOND said, this measure might be for the good of the Militia force, but he rather doubted it. The Bill had only been delivered that morning, and he suggested that the Committee should be fixed at a distant date, in order that the Bill might be fairly considered by those noble Lords who took an interest in the question, which was of some importance. He did not think the proposal to place Militia recruits when out for training under the command of officers of the Line, instead of their own officers, would have a good effect. His own idea was that if Militia were to be well drilled, they must be trained by their own officers. There were one or two curious clauses in the

Bill. Clause 5, for instance, provided that—

"when the commanding officer of any regiment of militia is absent on leave, the command of such regiment shall devolve on the officer next in rank who may, for the time being, be present with such regiment, and be capable of assuming the command."

He thought every officer of Militia was capable of assuming command if he had passed through drill, unless there were others senior to him, in which case they would be preferred. With regard to the alteration of the period of service, he had no objection to it; only he thought the same principle should be applied to the Regular Army.

THE MARQUESS OF LANSDOWNE disclaimed any intention on the part of the War Department to cast even the slightest reflection upon the value of the Militia as a force; nor did the Bill in any way ignore its just claims. As to clothing, the Department had the best hopes as to the result of the new arrangement, which was made in accordance with the recommendations of the Committee on Clothing. As to the command of Militia recruits, where a small body of Militia might, for convenience sake, train with a Line regiment, Line as well as Militia officers were to have the power of enforcing discipline. That, he thought, was at once a simple and necessary arrangement. Clause 5 was not intended to make any change with regard to the present devolution of the command, and as to the word "capable" it was not difficult to conceive cases where the commanding officer being absent his second in command might, from physical causes perhaps be "incapable" of replacing him.

Motion agreed to; Bill read 2<sup>o</sup> accordingly and committed to a Committee of the Whole House on Thursday, the 24th instant.

#### ARMY—MEDICAL OFFICERS OF THE ARMY—ROYAL WARRANT, 1858. MOTION FOR AN ADDRESS.

EARL DE LA WARR rose to move that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into her consideration the present position as regards rank and pay of the medical officers of the Army who volunteered and served on the West Coast of Africa between the years 1859 and 1867, in order that they may receive the benefit of

*The Marquess of Lansdowne*

the Royal warrant, signed the 1st of October 1858, of which they have hitherto been deprived. The noble Earl said, that towards the close of the year 1867 the Medical Regulations of the Army were promulgated, containing a portion of a Royal Warrant, dated October, 1858, which stated—

"Each medical officer volunteering for the West Coast of Africa will be required to serve there continuously for a period of twelve months; every such year of service on the Coast to count as two years for promotion and retirement."

On the faith of this Warrant many medical officers volunteered for service in this unhealthy climate, believing, as one of them wrote, "that the double service would count towards the rank of Surgeon-Major." After some time, however, another Warrant was issued, stating, as before, that each year of such service should be allowed to reckon double for promotion and retirement; adding, however, these words, "but shall not so reckon towards increased pay;" and another later Warrant added, "or qualify for the rank of Surgeon-Major." Neither of these qualifications appeared in the first Warrant, under which 76 medical officers had volunteered their services upon the West Coast. Of those gentlemen a large number had died, others were invalided, others had retired from the service, and there now remained about 30, whose cases were, as he submitted, a hard one. It might be objected on the part of men of older standing that these 30 medical officers should not be promoted over their heads. It was still harder, however, that the 30 should have served for seven years under the impression that their service would count as double, and should then be told that it would count neither for pay nor promotion. He was quite content to leave this subject in the hands of Her Majesty's Government with the assurance that it would receive a fair consideration.

*Moved* that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into her consideration the present position as regards rank and pay of the medical officers of the Army who volunteered and served on the West Coast of Africa between the years 1858 and 1867, in order that they may receive the benefit of the Royal Warrant signed the 1st of October 1858, of which they have hitherto been deprived.—(*The Earl De La Warr.*)

THE MARQUESS OF LANSDOWNE said, that promotion was transfer from

one grade to another grade. A surgeon becoming a surgeon-major was not so transferred. The Royal Warrant of the 1st of October, 1858, regulating the grades of Medical Officers in the Army, ordered that those grades should be four—namely, 1st, the Inspector-General of Hospitals; 2nd, the Deputy-Inspector-General of Hospitals; 3rd, the staff or regimental Surgeon, who, after 20 years' full-pay service in any rank shall be styled Surgeon-Major; and 4th, the staff or regimental Surgeon, the attainment of the style of surgeon-major was therefore not promotion within the meaning of the words in question, and he contended that these officers had received all to which they were entitled by the Royal Warrant of 1858. This case had been brought forward in Parliament more than once; and he believed the interpretation which he now put on the Royal Warrant had never been seriously contended to be a wrong one. Under these circumstances, he hoped the noble Earl would not persist in his Motion.

Motion (by leave of the House) withdrawn.

#### SPAIN — CONVEYANCE OF CHINESE COOLIES INTO CUBA.—QUESTION.

THE EARL OF AIRLIE asked, Whether any representations have been made by Her Majesty's Government to the Government of Spain with respect to the importation of Coolies from China into Cuba; or whether any communications on the subject have been received from Her Majesty's Consuls in Cuba since the receipt of Consul Dunlop's despatch of 24th December 1872 presented in pursuance of Commons' Address June 16, 1873. Their Lordships might be aware that a Paper containing the Correspondence relating to the treatment of Chinese Coolies at Macao and during their passage to Cuba and after their arrival there, had been recently presented to Parliament pursuant to an Address of the other House on the 16th June last. This Correspondence contained such a fearful narrative of the horrors of the Chinese Coolie traffic that he was desirous of bringing it under their Lordships' Notice, and of commanding it to the immediate attention of Her Majesty's Government. On the 9th of November, 1872, the Earl of

Kimberley wrote to Sir Arthur Kennedy the Governor of Hong Kong as follows:—

"It has at different times been represented to me that foreign vessels engaged in the shipment of coolies from Macao are equipped in the port of Hong Kong, or furnished with supplies or stores from that Colony, and my attention has recently been directed to the following paragraph extracted from a Hong Kong newspaper:—

'The Spanish steamer 'Bueno Ventura,' a sister to, and belonging to the same owner as the steamship 'Yuruc Bat,' which vessel fitted up here and left a few days back for Macao, for a cargo of coolies, has arrived here to fit up for the same purpose.'

"2. You are probably aware that during the late Session of Parliament an Act (three copies of which I inclose) was passed for the purpose of repressing the abuses connected with the movement of natives from their islands in the Pacific Ocean to labour on plantations.

"3. Although great cruelties have been perpetrated in connection with this traffic in South Sea islanders, they can hardly have been greater than those which have led to the disgraceful and horrible occurrences from time to time reported as having taken place on board ships conveying Chinese coolies from Macao.

"4. Her Majesty's Government, which has been under the necessity of making repeated remonstrances to the Portuguese Government on the subject of the Macao coolie trade, cannot permit that there should be even the shadow of a justification for any such imputation as that British subjects in Hong Kong partake in, and profit by, a traffic which the Queen's Government deplored and protests against. And I see no reason why British subjects resident in Hong Kong should not as well as those in Australasia be subjected to the punishment prescribed in Section 9 of the 'Kidnapping Act, 1872,' for the offences specified in that section, if committed within the territorial jurisdiction of the Colony.

"5. I request you to give particular attention to the 'Kidnapping Act, 1872,' and to consider whether some of its provisions might not with the necessary alterations be made applicable to Hong Kong. If you are of opinion that they might be, I request you to transmit to me, as soon as possible, the draft of an Ordinance for that purpose."—[Correspondence C.—797. p. 1.]

On the 2nd of November, 1872, Mr. Wade wrote from Peking to Earl Granville to say that—

"The Chinese Government is doing something to stop the slave trade at Macao, but, as usual, its action for good is greatly hindered by its incurable corruptions."

Consul Dunlop, writing to Earl Granville from Havannah on the 24th of December, 1872, said, that—

"It would appear from this evidence that the 'Fatchoy' is really engaged in slave trading, with the knowledge and concurrence of her German owners at Hong Kong. The Chinese, on arrival here, are immediately 'contracted,' or sold to the planters, and are as much 'slaves' as the negro bondmen throughout Cuba. This

will be their real condition so long as negro slavery, in any shape, exists here."

The following extract appeared in an American newspaper:—

"Chinese labourers continue to arrive. The steamer 'Fatchoy' brought over 900 of this unfortunate people, and official notice has been published of the expected arrival of the 'Irurac Bat' with the same number. Other vessels now in China are engaged in the same traffic, which yields an immense profit to shipowners and all engaged in it. A passenger of the 'Fatchoy' has informed your correspondent that the vessel went from point to point kidnapping Chinese: others were inveigled on board by speculators or 'vagabonds,' as they are called there, who received 30 dollars for each one of their victims. As soon as they arrive on board they are stowed away below in irons until the full complement was received, which was ten times the number the capacity of the vessel allowed. The horrors of the traffic and the voyage of the 'Fatchoy' can easily be imagined. Three mutinies and an attempt to burn the steamer took place during the voyage. The crew and all hands on such occasions fired into the Chinese and adopted other severe measures, such as hard knocks and scalding water, until the tumults were quelled. The loss on the voyage of the 'Fatchoy' on this account and deaths from sickness and suffering was over eighty Chinese."—[p. 3.]

The following declaration was made by one of the men employed in the engine-room on board the *Fatchoy*:—

"The steamer 'Fatchoy,' formerly 'Vixen' (British), was sold at Hong Kong in July 1872, and placed under the German flag. The purchasers, Messrs. Paul Ebler and Co., had her then put under the Spanish flag by nominal transfer to a Spaniard. She was then fitted out at Hong Kong with iron grating on the hatches, and round the hatches, and in the between decks, and at the side ports, iron barricades were also fitted out in deck. After this work had been done, she took in water and coal and proceeded, on the 1st of last August, to Macao. On or about the 15th of August she commenced loading coolies; they were sent off in lots, three times a week, generally on Tuesdays, Thursdays, and Saturdays, sometimes from 40 to 100 in a lot, but seldom above 50. The coolies are never considered to be finally secured until they are once on board, then their case becomes one of desolation and despair. While 'Fatchoy' was lying at Macao, the steamer 'Roseta d'Nina,' which had been dispatched some six weeks previously, returned to Macao in distress, and her cargo of 700 coolies was transferred to the 'Fatchoy'; these coolies were in a sad state, many of them had been cruelly flogged and otherwise ill-used on board the 'Roseta d'Nina.' With this large accession, the cargo was soon completed to the number of 1,000 coolies. Every one of these men gave indications that the vilest deception had been practised upon them, and once having 'realized' the utter hopelessness of their situation, gave themselves up to frantic despair. Some would throw themselves overboard whenever an opportunity offered, but two boats were constantly alongside to pick them up and return them on board. The price paid the 'coolie-catchers,' as

they are called, is 50 dollars per head (delivered at the barracoons), but the amount is not paid over until the coolie is on board ship. Thus the 'catcher' or 'kidnapper,' insures the delivery of the coolie, although he is sent off in the ship's boats. The 'Fatchoy' left Macao on the 26th August, with the 1,000 coolies on board; all went well until the fourth day out. On this day, at about 3 P.M., a cry of 'Mutiny forward' was raised. The coolies had attacked the guards; one of the guards went overboard, probably thrown over by the coolies; the other guard took to the rigging. The coolies had made a rush to the Chinese 'galley' (for cooking), probably to try to get knives or weapons. The mate and second mate, from the bridge, shot into the crowd and wounded three of the coolies. This checked the mutiny. The officers then rallied, and succeeded in catching a number of the coolies and tying them by their long hair to the iron 'barricade,' or to the iron gratings, and driving the rest below. About 150 were put in irons. The next morning the Spanish captain had them brought up. Some bags of rice were placed on deck and the prisoners were laid across the bags, then unmercifully flogged and beaten by two men keeping time with their whips or sticks. In a short time the deck was covered with blood. As each coolie was flogged, he was washed with salt and water and sent below. We arrived at Anger, Batavia, on the 9th September, remained there two days, and thence proceeded to the Mauritius, and there took in water and coal, the ship remaining in quarantine. From the Mauritius we went to the Cape of Good Hope. In all these ports the coolies were kept below; and while coaling was going on, the hatchets were put on, and the 'hospital' bulkheads for the sick were closed. The heat was intolerable even in the open air. The voyage for the coolies was one of the most unimaginable sufferings: they were struck, kicked, flogged, and otherwise treated with the greatest brutality. The filth and stench was something horrible. The hospitals were not cleaned during the whole voyage. I often turned away my eyes when I witnessed such dreadful scenes. I venture to say that in the annals of the African Slave Trade all the horrors of the 'middle passage' never surpassed those of this China slave-ship. The deaths on this direful and murderous voyage reached eighty, or about 8 per cent. of the number taken on board at Macao. Their deaths were, doubtless, caused by the blows they received, by general ill-usage, and by the filthy condition of the ship."—[p. 3.]

Governor Sir Arthur Kennedy, in writing to the Earl of Kimberley from Hong Kong on the 25th of April, 1873, said, that that statement was "fully corroborated by sworn testimony in the colony." He thought that the importance of this subject would be his excuse for having troubled the House with this statement, and he trusted that Her Majesty's Government would address a strong representation with reference to the matter to the Spanish Government.

EARL GRANVILLE said, that the noble Earl need not make any apology

for having brought this subject under the notice of the House. It was impossible to pretend that there was the least exaggeration in the statement the noble Earl had made with regard to the treatment of the Coolies in their passage from China to Cuba. Strong representations on the subject had been made last year to the Spanish Government, but without success, the Spanish Minister having declared that in the then state of Cuba it was impossible for any effective steps to be taken to put a stop to the evil. Owing to the state of affairs in Spain those representations had not been renewed during the present year. The Spanish Government, however, had shown considerable anxiety to put an end to slavery in Cuba, and Mr. Layard who had been entrusted with the management of the subject had displayed the greatest firmness and judgment. No further report had, he might add, been received on the subject.

House adjourned at Seven o'clock,  
to Thursday next,  
Eleven o'clock.

#### HOUSE OF COMMONS,

Tuesday, 15th July, 1873.

MINUTES.]—PUBLIC BILLS—Ordered—First  
Reading—Langbaugh Coroners\* [242].  
First Reading—Statute Law Revision\* [240].  
Second Reading—Ecclesiastical Commissioners\* [235].

Committee—Rating (Liability and Value) (re-comm.) [205]—R.P.

Committee—Report—(£1,600,000) Exchequer Bonds\* [230]; Treasury Chest Fund\* [233]; Infanticide Law Amendment\* [42-241].

Considered as amended—Turnpike Acts Continuance, &c.\* [199]; Revising Barristers\* [221].

Third Reading—Military Manceuvres\* [215]; Medical Act Amendment (University of London)\* [224]; Salmon Fisheries\* [193], and passed.

Withdrawn—Civil Bills, &c. (Ireland)\* [187].

The House met at Two of the clock.

#### METROPOLIS—NEW COURTS OF JUSTICE—THE REVISED DESIGNS.

##### QUESTIONS.

MR. WAIT asked the First Commissioner of Works, Whether the revised designs and plans prepared by Mr. Street for the New Courts of Justice have been received and approved; and, whether he anticipates being in a position to announce to the House before the close of

the Session that the contract has been signed and the building handed over to the architect?

MR. AYRTON, in reply, said, that the Treasury had approved of the contract being entered into to carry out the revised designs and plans proposed by Mr. Street for the New Courts of Justice; but he was not prepared to state the exact time when the contract would be signed. He was not able to fix the day when the building would be handed over to the contractor, and still less was he able to fix the day when the Session would be brought to a close; so that he could not say whether he should be able to state before the close of the Session that the building had been handed over to the contractor. The best opinion, however, that he could form was that the contract would be signed in about a month from this day. It took a long time to complete a contract for very elaborate specifications.

MR. WAIT said, he wished to know whether there would be any objection to place the plans and designs in the Library of the House?

MR. AYRTON said, the subject would be brought, again under the consideration of the House when the Estimate was moved; and, in the meantime, he would consider the suggestion of the hon. Member, with a view to see what could be done.

#### SUPREME COURT OF JUDICATURE BILL—SCOTCH AND IRISH APPEALS.

MR. GLADSTONE: I rise, Sir, for the purpose of answering a Question put to me last night by my right hon. Friend the Member for Kilmarnock (Mr. Bouverie), and by other hon. Members, with regard to the course the Government propose to take with reference to the Supreme Court of Judicature Bill. I have to say that it is not our intention to move the re-committal of the Bill in order to insert the clauses relating to Scotland and Ireland. The motive I will not state in detail. It is a very simple one and—though this is a sort of matter to which I am not accustomed to refer—was stated in very few words and very fairly in a leading article in one of the public journals this morning—namely, that it was better to have the greater certainty of an imperfect Bill than to run extended risks for the sake of a better and more complete Bill. I may say, with respect to that apprehension, I do not refer

*Mr. Wait*

solely, or indeed principally, to the risks which the Bill might run in the House of Lords. These risks I am not well able to appreciate. They might exist or they might not; but what I do refer to is this: it is quite evident, from the declarations of opinion we have already heard in this House, that if the re-commitment were proposed, it would be the subject of serious and probably lengthened debates, which, quite irrespectively of what the House of Lords might or might not do, would, I am afraid, on the question of time, be fatal to the Bill during the present Session. From these prudential motives we have thought it our duty to abandon our intention of re-committing the Bill.

#### PARLIAMENT—PUBLIC BUSINESS— VALUATION BILL—QUESTIONS.

MR. ASSHETON CROSS inquired what course would be taken with respect to this Bill?

MR. STANSFIELD, in reply, said, that he had placed upon the Paper Amendments in reference to several of the clauses of the Bill, so as to enable the Rating (Liability and Value) Bill to come into operation, without reference to the Valuation Bill, and which he would move on the Report. He could not state to the House at that moment that it would not be possible to pass the Valuation Bill, because he did not recognize any serious objection to the Bill in the Amendments on the Paper. One of the Amendments had regard to the importation of the provisions with respect to the Surveyor of Taxes into the Rating Bill. He had no doubt in his own mind that there was sufficient justification for this proposal, and that he should be able to satisfy the House that this conclusion was a right one. He was not disposed at that moment to give up all hopes of proceeding with the Valuation Bill this Session; but still he had thought it prudent to place upon the Paper Amendments that would make the Rating Bill a perfect Act in itself, without any reference to the Valuation Bill.

In reply, to Mr. VANCE,

MR. STANSFIELD said, the valuation and rating of Government hereditaments in Scotland and Ireland was otherwise provided for. Suggestions were made that they should extend principles contained in other parts of the measure to Scotland and Ireland—such, for instance, as the repeal of certain exemptions from

rateability, and the conclusion at which the Government arrived was, that, considering the lateness of the period of the Session which they had reached, it would not be prudent so to widen the scope of this Bill; but they expressed the opinion that the same principles ought to be applied to the rateability of property in Ireland and Scotland as those they had applied to the rateability of property in England; and it would be the duty of the Government at the beginning of the next Session to deal with these subject-matters in separate Bills.

LOD JOHN MANNERS said, he understood the right hon. Gentleman to say that he would import the provisions with respect to the Surveyor of Taxes from the Valuation Bill into the Rating Bill, and at the same time keep the Valuation Bill on the Paper. But would it not be far more convenient if the right hon. Gentleman were to be content with the importation of the necessary clauses of the one Bill into the other, and to move that the Valuation Bill be taken off the Paper?

MR. STANSFELD explained that it was in the view of the Valuation Bill not being carried that it was necessary to take care the clauses to which he had referred should be imported into the Rating Bill; but these clauses did not relate to the Surveyor of Taxes. He expected shortly to be able to state whether they would proceed with the Valuation Bill this Session.

#### REGISTRATION OF BIRTHS AND DEATHS BILL—QUESTION.

In reply to Mr. F. S. POWELL,

MR. STANSFELD said, that taking all things into consideration, the Government could hardly hope to proceed with this Bill during the present Session.

#### RATING (LIABILITY AND VALUE) BILL—[BILL 205.]

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen,  
Mr. Hibbert.*)

#### CONSIDERATION.

Order for Consideration, as amended, read.

MR. CRAUFURD rose to a point of Order. He understood that the right hon. Gentleman the President of the Local Government Board was about to import into this Bill certain clauses which stood on the Notice Paper and would more properly form part of the

Valuation Bill. But these clauses appeared to him to be such as could only be introduced in Committee. He should like to know whether it was competent for the right hon. Gentleman to move those clauses on the Report?

MR. SPEAKER: If the clauses to be proposed by the right hon. Gentleman impose any new charge they must be moved in Committee of the Whole House. But perhaps the right hon. Gentleman will think fit to explain the objects of his new clauses, and to state how far they affect the rating of property to which they apply.

MR. STANSFELD said, that upon the best advice which he had been able to obtain, he was satisfied that in bringing these Amendments forward upon Report he would be acting in accordance with the Rules of the House. The House would remember that during the passing of the Bill through Committee certain Amendments were moved with regard to the rating of plantations and woods; and he was desirous to obtain the general view of the Committee upon this particular question. The Government listened to the suggestions which were made on both sides of the House, and they came to the conclusion that they would accept the Amendments; but they also determined to put them into a practicable shape. The House must be perfectly aware that they could not accept suggestions made during the progress of the discussion in Committee without reserving the right, and indeed the duty, of correcting the method of their legal expression. It was to the method of their expression as a matter of drafting that his Amendments were confined, though it was perfectly true they were in the shape of two new clauses. He proposed to omit the proviso moved by the hon. Member for South Norfolk (Mr. Clare Read), at the end of Clause 3, and also to omit Clause 19, and to move instead two new clauses. The new clauses did not impose any new charge; they merely carried out in a legal form the decision already arrived at as to the method of assessing the value of rateable property.

MR. CRAUFURD again appealed to the Speaker. It was admitted that the clauses were new, and he must ask whether it was not a case which trench'd so closely upon the Rules that, as a matter of Order, the Bill should be re-committed for the consideration of these clauses.

**MR. SPEAKER:** If the new clauses proposed by the right hon. Gentleman involve any new charges such as were not embraced by the clauses agreed to by the Committee, undoubtedly it would be out of Order to proceed with such clauses in the House; they must be dealt with by the Committee of the House. If I apprehend correctly the observations of the right hon. Gentleman, these are not new charges. If that is so, it is competent for the House to deal with them without referring them to a Committee of the Whole House. Of course, it would be open to the House, if it thought proper, to take this course—to proceed with the Bill as it stands; and if, upon further consideration of the clauses, it is found that they involve a violation of the Rules of the House, undoubtedly the Bill must be re-committed in respect of such clauses.

**MR. CRAUFURD** said, the right hon. Gentleman had stated that the new clauses would not impose any new charge. He wished to know how and in what manner that question was to be determined?

**MR. T. HUGHES** said, that perhaps the hon. and learned Member could tell the House in what respects the clauses were out of Order.

**MR. STANSFIELD** suggested that the hon. and learned Member could do so when they came to discuss the clauses, and then it could be decided whether he made out his case. He moved that the Bill be now considered.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

**MR. GRAHAM** desired to say a few words in explanation of certain Amendments to this Bill as regarded Scotland, which he had placed on the Paper. The original intention of the Government in introducing this measure was that it should apply to England only; but it having been represented that it would be well that it should be extended to the sister kingdoms, certain clauses had been introduced by his right hon. Friend (Mr. Stansfeld), more or less adapted to meet the particular circumstances of these two countries. With one exception, these clauses were unobjectionable, so far as Scotland was concerned and so far as they went; but it was found, in the opinion of those who were entitled to express an opinion that

they did not truly meet the case of Scotland, as they failed to abolish certain exemptions in that country which the Bill proposed to abolish in England, and to deal with other exemptions in Scotland which did not exist at all in England; and not only so, but a conviction existed in the minds of the rating authorities of Scotland that the Bill did not make any provision—or at least made insufficient provision—to remedy some very serious abuses that had arisen in Scotland in the application of the 37th clause of the Lands Clauses Consolidation Act. Besides this, an objection was taken in Scotland to the plan proposed by the Government for valuing Government property. He had been applied to to give expression to these opinions, and had put certain Amendments on the Paper to be proposed at this stage of the Bill. The Amendments were of three kinds. Those on the 6th clause proposed to remove exemptions from rating enjoyed by literary and scientific societies, which had been abolished in England, but which, from an error in the wording, the Bill did not deal with in Scotland; and also to abolish an exemption enjoyed mostly under private Acts by buildings used by municipal corporations and other public bodies for public purposes. To these Amendments no serious objection was, he believed, to be apprehended. Another object of his Amendments referred to the repeal of the 37th section of the Lands Clauses Consolidation Act, and as to which they should, no doubt, have to contend against very powerful interests—but he desired nothing but what was fair. His third Amendment had reference to an alteration in the system of valuing and arbitrating on Government property. These Amendments found, he believed, very general approval and support from the Members for Scotland. The Lord Advocate, he believed, was favourable to their principle; nor did he think any formidable opposition was to be apprehended from the right hon. Gentleman the President of the Local Government Board, except possibly upon the question of the valuation of Government property, on which he was aware the right hon. Gentleman entertained a strong opinion. But soon after Notice of these Amendments had been put upon the Paper, his attention was called to the fact that, in accordance with the Standing Orders of the House,

it would not be competent to him to move them upon the Report—the question, in fact, as had been raised by the objection of the hon. and learned Member for Ayr. It seemed therefore that the only course open to him was to put an Amendment upon the Paper to re-commit the Bill in regard to the clauses on which the Amendments had arisen—namely, the 4th, 6th, and 12th clauses. In ordinary circumstances no objection could be taken to that course; but his right hon. Friend the President of the Local Government Board had complained of his conduct in the matter as though it was of an unfriendly and hostile character; and had represented to him that the effect of the re-commitment of the Bill would in all probability be to throw very serious difficulties in the way of its passing. He had suggested that all the Amendments requisite in regard to Scotland might be embodied in a simple Bill, to which no objection could be taken; but there seemed little probability of the draft of such a Bill being agreed upon in time to pass it this Session. He therefore felt unable to accept the responsibility of so dealing with this Bill as to risk throwing away the large amount of time and labour the House of Commons had already expended upon it. Nor could he allege to himself any advantage from opposing this Bill. The Bill itself would give the people of Scotland a substantial gain. It established an important extension of the rating area, as regarded Government property and mines, and if it fell short of their just claims in regard to literary societies and municipal buildings, he believed that omission to be wholly accidental, and they had already heard from the right hon. Gentleman that it was the deliberate intention of the Government to complete the measure for Scotland in these points at the very earliest period next Session. As regarded the 37th section of the Lands Clauses Consolidation Act, he felt that it would be utterly hopeless to attempt to deal with a question of that kind, involving the interests of the great railway companies, at this late period of the Session. The only other Amendment was in regard to the scheme of valuation, and the character of the tribunal to be appointed to arbitrate, and that was one which could be discussed on this stage of the Bill. That being so, and having taken the best advice, he thought it was not his duty

to press the Motion that the Bill should be re-committed.

MR. CAWLEY said, he did not concur in the course taken by the hon. Member for Glasgow (Mr. Graham), nor in his reasons in support of it. He should therefore move the Amendment of which he had given Notice—that the Bill be re-committed. The Amendments proposed by the right hon. Gentleman opposite (Mr. Stansfeld) were of such a serious character, and the measure itself was of such importance, that he felt it was impossible they could be adequately dealt with on the consideration of the Report. There was no doubt the Bill was intended to lay the foundation of future legislation in regard to local taxation, as distinguished from Imperial taxation. If the right hon. Gentleman declared otherwise, then he must call it a mere "meddling and muddling" of the law in respect to local taxation. The right hon. Gentleman might, perhaps, be technically right in the course he intended to adopt; but the right hon. Gentleman was certainly not acting in accordance with the spirit of the Rules of the House. It was of vital importance that the House should consider this Bill in all its details before it was allowed to pass to "another place." The Bill originally contained 19 clauses, to which four were added during its progress through Committee. Of those 23 clauses it was now proposed to omit one; five new clauses were to be proposed by the author of the measure; and no fewer than 44 verbal Amendments were intended to be introduced. These figures were sufficient to show that the Bill had not been fully and fairly considered in Committee. If these had been mere verbal Amendments, he should have interposed no obstacle to the passing of the Bill; but the fact was that the proposed new clauses raised the whole question as to whether certain descriptions of property should be now, for the first time, made rateable. Although it might be true that the right hon. Gentleman had not actually taken out clauses from the Valuation Bill in order to insert them in this, yet it was certain that the clauses about to be proposed were clauses which, according to the right hon. Gentleman's definition of the distinction between the two measures, ought to have been in the Valuation Bill. The title of the present Bill, which appeared to be the original title of the two Bills

when combined in one, remained; so that, in point of fact, every clause of the Valuation Bill came under the title of the present Bill, and therefore might technically be introduced in it; but whether this were a fair way of dealing with the House was another question. His own opinion was that the two measures ought to have been proceeded with concurrently, and that neither of them ought to have been passed without the other being complete. There was one most important point to be borne in mind in dealing with the clauses in respect to the extension of rateability—namely, that the scheme be a practicable one, otherwise a rate might be invalid. The Bill extended rateability to three classes of property — namely, mines, land occupied for growing woods and saleable underwood, and to fowling, shooting, sporting, and fishing, when severed from the occupation of the land. He would remind the House in connection with the Act of 1840, that some one objected to the validity of a rate because every inhabitant of the parish was not rated, as he was bound to be under the Act of Elizabeth, and the decision of the Court was fatal to the rate. A Bill was then brought in to remove the difficulty by exempting persons from rateability in respect of their ability derived from their stock-in-trade; but after passing the House of Commons, it was discovered in the House of Lords, when it was too late to amend it, that it contained words which would carry the exemption further than was intended, and the Bill was consequently withdrawn. It was again introduced into this House without those words and passed through all its stages without discussion, and became law. What would be the result if the Bill before the House passed in its present form? What legal definition would be given to the words "right of sporting?" Fox-hunting was a sport which many took great delight in; but how could it be assessed? There were also persons who enjoyed the sport of rat catching, and to show how valuable it was, he would mention the fact that when the reservoir burst at Sheffield a few years ago a claim for compensation was put in by a rat-catcher because the rats in the valley were drowned by the calamity, and the rat-catcher lost his occupation, but the claim was refused on the ground that the applicant had no beneficial interest in the rats as such.

How were they, then, to rate a sport like that, in which there was no beneficial occupation? There were many persons, too, who considered rook-shooting sport, and the Bill made it rateable when severed from the occupation of the soil; but what that meant it was difficult to decide. It either meant that when not severed from the occupation of the soil it was not rateable, or else it meant that it was rated already. These matters were small in themselves; but when it came to a question as to the validity of the rate, they became very important. With regard to the right of fishing, was fishing in lakes to be rated, and how was it to be done? If it were not done legally it would invalidate the rate, and all for the sake of bringing in these things which were most unimportant as regarded the ratepayers, whilst great questions were left untouched and unsettled. The Bill if passed in its present form could not remain permanent or unaltered for more than a year or two; for the question of what was to be, and what was not to be rated, must be finally decided ere long. With regard to the question of whether the exemption of stock-in-trade should or should not include all machinery, the right hon. Gentleman at the head of the Government used the argument that stock-in-trade was exempted, not because it was not rateable as such, but because it could not be got into the net. If that were so there would be no difficulty in rating machinery, and if the right hon. Gentleman's argument were sound it ought certainly to be rendered liable in some form or other. He did not consider that the Bill could be fairly and properly discussed on the Report, and if there was no chance of making it a perfect and permanent measure it ought not to be persisted in during the present Session. He agreed with those who thought the Bill possessed value, because it proposed to deal with Government property; but he took it to be a delusion to suppose that the liability of Government property depended upon the present measure. The Bill now under consideration would only lay the foundation of such liability, which must hereafter be dealt with in a distinct and separate measure. He proposed, therefore, that the Bill, which was most clumsily drafted, should be re-committed, in order that it might be thoroughly considered.

Amendment proposed, to leave out from the words "Bill be" to the end of the Question, in order to add the word "re-committed," —(Mr. Cawley,)—instead thereof.

MR. M'LAREN said, the hon. Member for Glasgow (Mr. Graham) had intended to propose that this Bill should be re-committed with respect to certain clauses—not for the purpose of making any alteration in the Bill, but of making it more perfect, and of making the same rule apply to Scotland and Ireland that was applicable to England. He cordially approved of the views which the hon. Member expressed in the first part of his speech; but the second part was quite independent of the other. The hon. Member with great force urged that there were great defects in the Bill, arising from the fact that the Bill originally only applied to England, but in its progress it was made applicable to both Scotland and Ireland. But then having urged this matter very logically, and having conclusively shown that the right thing would be to re-commit the Bill in order that any Amendment might be introduced, he went on to the second part of his speech, in which he spoke against all that he had previously advocated, and showed that it would be inconvenient and obstructive to delay the progress of the Bill, and he concluded without moving the Amendment of which he had given Notice. It was therefore impossible for him (Mr. M'Laren) to support the hon. Member, part of whose speech was logically true, but part was altogether fallacious. The question now before the House was to re-commit the Bill as a whole. He approved of the Motion to re-commit the Bill as regarded the four matters which had been mentioned, as that would take up a very short time indeed; but he declined to re-commit the whole Bill, fearing that it would take up more time than could be reasonably demanded from the House. He approved of the Bill as a whole, and thought it an admirable one. All his objection was that it did not carry out in Scotland that which it enacted in Ireland. He had himself given Notice to omit from the 4th clause the words "so far as relates to England" which would have made the exemption universal; and he regretted that it would not be in his power to move it.

MR. BRUEN said, he hoped that the right hon. Gentleman would assent to the Motion for re-commitment. As far as the extension of Clause 6 to Scotland and Ireland was concerned, he thought the right hon. Gentleman (Mr. Stansfeld) would have received the unanimous support of Members on both sides of the House, and though there would not have been the same unanimity in reference to Clause 4, he doubted not that a majority of hon. Members would have been found to support the proposal to remove the exemption as far as Ireland was concerned. In Ireland the question of exemption was looked upon with considerable disfavour, and in the City of Dublin so extensive were those exemptions in respect to property held by public bodies, that the rates on private property were increased as much as 9d. in the pound. The right hon. Gentleman asked the Irish ratepayer to be left at that disadvantage, when, by consenting to this Motion, the injustice of the case might be got rid of.

MR. MACFIE said, he had no doubt as to the wisdom of the course taken by his hon. Friend the Member for Glasgow (Mr. Graham) in withdrawing his Amendment. To have re-committed the Bill at this late stage of the Bill, and at this late period of the Session, would have been unwise. He thanked his hon. Friend for putting on the Paper some excellent Amendments, and he must express the gratification which he shared with many outside this House at the encouragement which Government had given him in the preparation of those Amendments. In reference, however, to the Amendment of Clause 6, he thought his hon. Friend might have gone further, and should not have confined himself to Scotland. At present, docks and harbours were frequently exempted, much to the injury of ports, such as Leith, Liverpool, and other places. He could give illustrative instances, but would just state how Leith was affected. Goods were landed there, or shipped, and they had to pass over the streets of Leith to the detriment of the pavements. In the various stages of their progress through the town those goods were protected at the expense of the rates of Leith; yet towards those rates nothing was contributed by the owners of that property or by the owners of the ships which brought it to the port. Nothing could be more unfair to

the inhabitants, who had to pay for the protection of their property and houses. Somehow or other, in various parts of the country exemptions were frequently smuggled in; but this Session he had hoped to receive from the Government a measure which would remove all such inequalities, and would be a great measure of justice. He was glad to find that the hon. Member for Edinburgh (Mr. McLaren) was not opposed to the Bill.

MR. STANFIELD said, his appeal to the hon. Member for Glasgow (Mr. Graham) was made simply on the score of time, and the Government had to thank the hon. Member for the consideration he had shown by withdrawing his Amendment. At that advanced stage of the Session he could not entertain any reliable hope of the passage of a Bill full of technicalities if it were re-committed. The question before the House was whether the Amendments that were proposed should be considered upon the Report, and should pass into law during the present Session. He would remind the House that the Bill was introduced purely as an English Bill. It was not usual to deal with such a subject as this with regard to the three countries in one and the same Bill, because such a proceeding would greatly complicate the measure. It was urged that there should be no delay in extending to Scotland and Ireland the advantages of removing the exemption of Government property from rating which the Bill proposed to give to England. The Government thought that a fair appeal, and divided the Bill into three parts, the second of which they proposed by certain clauses to apply to Scotland and Ireland. With regard to the rating of Government property he contended that great delay would arise if the Bill was not passed, because it proposed to give legislative power to proceed to arbitration on the question of the value of Government property, and until this had been done nothing effectual could be achieved in regard to the rating of this class of property. Therefore, he could not agree with the hon. Member for Salford (Mr. Cawley) in thinking that no harm could be done if the Bill did not pass at all in the present Session. He had merely, as far as he could consistently with the scope and object of the Bill, prepared new clauses to meet the wishes of Members and the general opinion of the

Committee. There was no new matter in them, and there was no reason why they should not be discussed on the Report. The clauses were re-drawn in fulfilment of a pledge he gave the Committee. He hoped the House would be content to negative the Motion of the hon. Member, and allow the Bill to be considered as amended.

MR. HUNT said, that the right hon. Gentleman at the commencement of his observations predicted that if the Bill were re-committed it would be lost for the Session, and then at the close of his speech he informed the House that the Amendments he proposed were merely to give effect to the decisions the House had already arrived at, and that they introduced no new matter. Those two statements did not appear quite consistent one with the other. For his own part, while he approved of the principle of the Bill, he confessed that if the Bill were to be hurried through the House, and were to be an imperfect measure, he would rather prefer postponing legislation on the subject for another year. At the same time, he would suggest to the right hon. Gentleman that the new clauses of the Government might be discussed in Committee of the House without the loss of an unreasonable amount of time. Had the Government been anxious to pass the Bill this Session, they would surely have introduced it earlier than they had done, so as to enable the House to consider it fully before May, instead of which the Bill was not printed until the 7th of May. He regretted that it was not referred to a Select Committee. They were now, on the 15th of July, discussing the question whether they should re-commit the Bill or discuss it on Report. Since it was read a second time, the Bill had grown from six pages to ten, not because of Amendments arising out of the original propositions of the Government, but because of additions which the Committee had found necessary to introduce; and now the Government proposed to take out of the Bill nearly all those additions made by independent Members, and carefully discussed in Committee, in order that they might substitute other wording which the right hon. Gentleman said would more effectually carry out the intentions of the Committee. The Amendments occupied six pages and the Bill only about nine; so ~~the~~ proposal to re-commit the

Bill was not an unreasonable one. Sir Erskine May stated that it was always advisable when numerous Amendments were to be proposed to re-commit the Bill. He hoped, therefore, the Government would accede to the proposal, and lose no more time.

Mr. DODSON wished to ask, as a point of Order, whether it would not be necessary to re-commit the Bill, at all events so far as concerned the proposed new clause, which was to follow Clause 3 in the Bill. It was provided that the law of rating should extend to "rights of fowling, shooting, sporting, and fishing, when severed from the occupation of the soil," but in no part of the Bill was it declared upon whose shoulders the burden should fall. This new clause imposed a burden on certain persons; and was, therefore, a rating clause, which ought to be considered in Committee.

Mr. STANSFIELD said, he thought that his right hon. Friend was under a misapprehension, and that no new burden was charged by the new clause. As to the charge on the occupier of the land, it was involved in the 19th clause, and the clause only put into a legal and practical shape what had been embodied in Clause 19.

Mr. HUNT contended that as the clause provided that the occupier of any rights of fowling, sporting, or shooting, might deduct the rates from the owner, there was a new charge placed upon the owner.

The SOLICITOR GENERAL held that the clause did not impose any new charge, because the Bill by another clause—Clause 19—provided that all these rights should be assessed, and that where the owner was not occupier, the occupier should be entitled to deduct the rates from his rent.

Mr. SPEAKER: The question raised upon the point of Order is one of great difficulty and complexity; but, according to the best judgment I can give on the matter, it appears that the Amendments of the right hon. Gentleman (Mr. Stansfeld), so far as they relate to matters affecting the rating of property other than the rights of sporting, do not infringe upon the rules of the House. With regard to such Amendments, therefore, there is no necessity to re-commit the Bill; but it appears to me that there is great force in the point raised by the right hon. Gentleman (Mr.

Dodson), and that the incidence of the rate with respect to the right of sporting, as imposed by the Committee, is varied by the Amendment of the right hon. Gentleman the President of the Local Government Board. Therefore, according to the Standing Orders of the House, the Bill should be recommitted in respect of Clause 3. I submit that view to the judgment of the House.

Mr. ASSHETON CROSS said, he was anxious to "get on." He would therefore, suggest that the hon. Member for Salford should withdraw his Motion, and that the Bill should be recommitted with regard to Clauses 3 and 19 and the new clauses.

Mr. HENLEY said, he thought it desirable that Bills should go up from that House to "another place" in as good a form as possible, and he did not believe that these Amendments could be discussed as they ought to be, except in Committee. The Committee had been discussing this matter for nearly two hours, and it was unfortunate that the right hon. Gentleman (Mr. Stansfeld) had not sooner consented to the re-committal. It was quite certain that much difficulty, litigation, and misunderstanding must arise upon the clauses as they stood, and the House must take care that summary justice was not done upon the Bill by its summary rejection in "another place."

Mr. STANSFIELD said, it was desirable to act upon the opinion of the Speaker, and he therefore proposed to accept the suggestion of the hon. Member (Mr. Cross) that the Bill should be recommitted upon the withdrawal of the Amendment of the hon. Member for Salford. He proposed, therefore, to omit part of Clause 3, and to omit Clause 19, and he should then propose the new clauses as a rider to Clause 3.

Mr. CAWLEY said, he was in the hands of the House, and had no objection to withdraw his Amendment, although it seemed to him that the Amendments involved the whole Bill.

Mr. CRAUFURD objected to the withdrawal of the Amendment. He had before urged upon the right hon. Gentleman, in the interest of this Bill, that he would expedite it if he would consent to its re-committal. The right hon. Gentleman however declared that he would not consent to re-commit the Bill, because that would endanger its becoming law. He thought that Scotland

and Ireland had been rather hardly used. The President of the Poor Law Board had given what nearly amounted to a pledge, in order not to retard this measure, that he would bring in a Bill for Scotland and Ireland. [Mr. STANSFIELD: No.] He was in the recollection of the House whether the right hon. Gentleman had not said he would do his best to table such a Bill, and if the House was about to re-commit the Bill it ought either to include Scotland or Ireland or else the right hon. Gentleman ought to bring in a Bill applicable to the United Kingdom. Would not the right hon. Gentleman facilitate his object if he would drop that portion of the Bill which did not apply to Ireland and Scotland and proceed only with so much of the Bill as had been made applicable to the whole United Kingdom? The right hon. Gentleman told the House there was no precedent for dealing with rating questions for the whole of the three kingdoms, yet by this very Bill he proposed, with regard to England, to repeal the Act of Victoria which exempted literary and scientific institutions throughout the United Kingdom from liability to rates. He thought that Clauses 4, 6, and 12 should be re-committed.

MR. CLARE READ sincerely desired that the Bill should pass in the course of the present Session, and that it should be as perfect as it could be made; but he could not see why, if the debatable parts of the measure were to be re-committed, the whole Bill should not follow the same course. The Bill had been brought in in a skeleton form, and had been built up in a most confused and confusing manner. It began at the wrong end of the subject; and he hoped that before it was got rid of there would be an assurance on the part of the Government that in the course of the next Session something real and substantial would be attempted to be done.

MR. STANSFIELD wished to explain, in answer to the hon. and learned Member for Ayr (Mr. Craufurd), that he had only expressed an opinion that the general re-committal of the whole Bill would be attended with, perhaps, fatal delay.

MR. SCOURFIELD said, he could not see that practical delay in dealing with the rating question would result from postponing the whole matter until next Session, inasmuch as Clause 7 only provided that the Treasury should at some future time bring in a measure.

*Mr. Craufurd*

THE O'CONOR DON said, he was sorry that the right hon. Gentleman in charge of the Bill would not consent to recommit Clauses 4 and 6, because he felt sure that they could be usefully added to the Bill without loss of time.

MR. PERCY WYNDHAM said, he thought the Government were to blame for the difficulty in which the House found itself, because they did not sufficiently think out all the questions before they brought them under consideration. He hoped the Bill would be proceeded with at once, as far as the rating of mines, woodlands, and Government property was concerned. The Bill, as it at present stood, was in a state of confusion; but it contained ample materials for the construction of a good and satisfactory measure this Session, as far as the three matters to which he had referred were concerned.

MR. GLADSTONE said, it appeared that they were not able to get at the propositions about which there was a general concurrence, because it was insisted by some hon. Members that the whole Bill should be re-committed for the purpose of dealing with Scotland and Ireland. His right hon. Friend (Mr. Stansfeld) objected to the re-committal of the whole Bill, on the ground that if they entered into that re-committal every point that had been considered and settled with reference to England itself must necessarily pass through the ordeal of being put from the Chair, and therefore every Member would be entitled to raise a discussion on it, as if the Bill had never been committed. In the first place, was it desirable to pass this Bill or not? And, in the second place, was the forcing upon the authors of the Bill that they should deal with the three kingdoms in one and the same measure a useful and equitable method of proceeding? As to the first question, he believed it was felt by both sides of the House that it was desirable this Bill should pass. Certainly, if it were desirable for the Government, it was undoubtedly desirable for the House, and for those who wished to bring the Government fairly in face of the other main portions of the subject of local taxation. In the view of the Government this was a portion of the question of local taxation which required first to be dealt with. When a simple proposition was submitted to them, the House could, as in the case of freeing a

literary institution from taxation, do it at once; but when they came to deal with the law of rating as applicable to various kinds of property, such precipitation was not convenient. He did not think either Scotland or Ireland would lose anything by the House consenting to the partial re-committal of the Bill, as contemplated by the hon. Member for South-west Lancashire (Mr. Cross), and to which his right hon. Friend in charge of the measure was willing to consent. His hon. Friend near him (Mr. Hibbert) had Bills in relation to Scotland and Ireland—one ready, the other almost ready—which could be introduced next Session. The main question was whether the House wished the Bill to pass this Session or not.

MR. PELL shared most fully in the desire to see this Bill passed; but he must observe that those measures of the Government never would have been brought forward except for the Notice of Motion of his hon. Friend (Sir Massey Lopes), and when brought forward they were laid on the Table in a very imperfect shape, as if there was no idea of their becoming law. He hoped the Government would consent to re-commit the Bill in reference to the 3rd and the 19th clauses; and he even thought they might include the 17th clause also, which would not lead to any prolonged discussion.

MR. M'CARTHY DOWNING, having been assured that there were Bills in preparation for Ireland and Scotland, thought it would be indiscreet for the Irish and Scotch Members to oppose the Government.

Question, "That the words proposed to be left out stand part of the Question," put, and negatived.

Question proposed, "That the word 're-committed' be added," instead thereof.

MR. HUNT inquired whether that would include any new clause?

MR. SPEAKER said, if the Bill were ordered to be re-committed with respect to Clauses 3 and 19, that Order would not apply to other new clauses.

MR. HUNT: Then I will move to add, instead of "with respect to Clauses 3 and 19," "with respect to any new clauses."

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that the Bill be re-committed in respect to it.

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MR. GRAHAM considered that the Members for Scotland had not been treated with becoming fairness, as they were deprived of the privilege which had been accorded to the English Members of re-committing the Bill. It was in deference to the President of the Local Government Board that he withdrew his Amendment in favour of a limited re-commitment, and now he found the Government were ready to accede to a limited re-commitment as far as England was concerned only.

MR. ASSHETON CROSS suggested that the Bill should be re-committed in respect of Clauses 3 and 19, and any new clauses relating to the subject-matter of those clauses.

Amendment proposed to the said proposed Amendment, to add the words "in respect of Clauses 3 and 19, and of any new Clauses relating to the subject-matter of those Clauses."—(Mr. Cross.)

MR. CRAUFURD said, he wished to vindicate himself, and to reply to the remarks of the Prime Minister. There was an old saying that England's difficulty was Ireland's opportunity. Unfortunately, the Scotch Members had always supported the Government, and had never asserted themselves. In his opinion, however, the time had now come when they should do so. They were a small minority in the House; but, if they acted together, they were a power. They had been always confiding in the Liberal Government which they followed, and, in his opinion, they had very often been too confiding, and what had been the consequence? Scotch legislation had not kept pace with either English or Irish legislation. The Irish Members acted wisely; they looked after their own interests, and they made their influence felt. Session after Session Irish business took precedence of other business; and it was time for Scotch Members to assert themselves in regard to what they considered ought to be done for their country. This Bill

and Ireland had been rather hardly used. The President of the Poor Law Board had given what nearly amounted to a pledge, in order not to retard this measure, that he would bring in a Bill for Scotland and Ireland. [Mr. STANSFIELD: No.] He was in the recollection of the House whether the right hon. Gentleman had not said he would do his best to table such a Bill, and if the House was about to re-commit the Bill it ought either to include Scotland or Ireland or else the right hon. Gentleman ought to bring in a Bill applicable to the United Kingdom. Would not the right hon. Gentleman facilitate his object if he would drop that portion of the Bill which did not apply to Ireland and Scotland and proceed only with so much of the Bill as had been made applicable to the whole United Kingdom? The right hon. Gentleman told the House there was no precedent for dealing with rating questions for the whole of the three kingdoms, yet by this very Bill he proposed, with regard to England, to repeal the Act of Victoria which exempted literary and scientific institutions throughout the United Kingdom from liability to rates. He thought that Clauses 4, 6, and 12 should be re-committed.

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MR. ASSHETON CROSS suggested that the Bill should be re-committed in respect of Clauses 3 and 19, and any new clauses relating to the subject-matter of those clauses.

Amendment proposed to the said proposed Amendment, to add the words "in respect of Clauses 3 and 19, and of any new Clauses relating to the subject-matter of those Clauses."—(Mr. Cross.)

MR. CRAUFURD said, he wished to vindicate himself, and to reply to the remarks of the Prime Minister. There was an old saying that England's difficulty was Ireland's opportunity. Unfortunately, the Scotch Members had always supported the Government, and had never asserted themselves. In his opinion, however, the time had now come when they should do so. They were a small minority in the House; but, if they acted together, they were a power. They had been always confiding in the Liberal Government which they followed, and, in his opinion, they had very often been too confiding, and what had been the consequence? Scotch legislation had not kept pace with either English or Irish legislation. The Irish Members acted wisely; they looked after their own interests, and they made their influence felt. Session after Session Irish business took precedence of other business; and it was time for Scotch Members to assert themselves in regard to what they considered ought to be done for their country. This Bill

was a first step in local taxation, which affected Scotland equally with England, and yet Scotland was not to be dealt with on the same footing. This was a consequence of there not being a Scotch Minister in the Cabinet. He must earnestly protest against the doctrine laid down by the Prime Minister that it was unprecedented or unusual that any Member or any section of that House should attempt to force important modifications or changes in a measure of which a Member of the Government had charge. In pursuance of his duty to his constituents, he should take every advantage of the position in which the Bill now stood to obtain the full extension of its provisions to Scotland. He would never be deterred from the fulfilment of that duty by any observations of any Minister of the Crown.

Question, "That those words be added to the proposed Amendment," put, and agreed to.

MR. GRAHAM moved, as an Amendment, to add, "and also in respect of Clauses 4 and 6."

Amendment proposed to the said proposed Amendment, as amended, to add, at the end thereof, the words "and also in respect of Clauses 4 and 6."—(Mr. Graham.)

Question put, "That those words be there added."

The House divided:—Ayes 136; Noes 193: Majority 57.

Words "re-committed in respect of Clauses 3 and 19, and of any new Clauses relating to the subject matter of those Clauses," added to the words "That the Bill be," in the Main Question.

Main Question, so amended, put, and agreed to.

*Bill considered in Committee.*

(In the Committee.)

Clause 3 (Extension of Poor Rate Acts to other property).

MR. STANSFIELD said, he had placed on the Paper several Amendments to this clause. He should, on coming to Clause 19, propose to omit the proviso which had been accepted on the Motion of the hon. Member for South Norfolk (Mr. Clare Read). In the meantime, he would ask the Committee to add the new clauses of which he had given Notice on the Report, and to make them an addition to Clause 3. In point

of form the first step he intended to take now was to substitute "for" for the word "as." This was a merely verbal Amendment.

Amendment agreed to.

MR. STANSFIELD then moved to leave out the word "underwood," in order to insert the words "or for both such purposes and." The object of the Amendment, he explained, was to omit the proviso moved by the hon. Member for South Norfolk.

Amendment agreed to.

MR. STANSFIELD said, that in point of form the next step for him to take would be to move the omission of Clause 19.

MR. G. MONCKTON moved, in page 2, line 6, to leave out "sporting," because it was a word which would simply serve to puzzle the assessment committee.

MR. J. LOWTHER moved to omit the word "fowling," and said that the words "shooting and fishing" would really cover all that the Government wanted to rate.

MR. J. S. HARDY was of opinion that it would be necessary to retain the word "fowling."

MR. WEST pointed out that the exact words in the Bill, "sporting, shooting, fowling, and fishing," were commonly inserted in deeds. It was safer to stand by the old words, which had been used for a very long time.

MR. CLARE READ doubted whether they would cover the catching of rabbits in a warren.

MR. CAWLEY said, he was not sure as to "fowling," but he thought "sporting" was too wide and general a phrase. The value for rating purposes would be a bagatelle.

MR. GOLDSMID said, he thought it would be better to omit the word "sporting," which might include rat-catching; for he knew places where rat-catching was a favourite sport, and was largely practised. He thought, however, coursing might be included.

THE SOLICITOR GENERAL said, he did not think it worth while to make such objections. The object of the Government was to include everything which formed the subject of a lease. Did the hon. Member ever see a lease of the right of rat-catching? All the rights referred to in the Bill were some-

*Mr. Crawford*

times of value, and he did not see why they should not be rateable.

MR. HUNT said, he would like to know whether it was intended to rate the right of a master of foxhounds to ride to cover.

MR. J. LOWTHER doubted whether the words would cover the case of a rabbit warren, about which there was no element whatever of sport.

MR. STANSFIELD said, the words would include the case of a free warren.

SIR MICHAEL HICKS-BEACH suggested that the word "sporting" should be omitted, and the words "killing game and rabbits" substituted, as this, he thought, would include coursing, &c.

LORD GEORGE CAVENDISH said, it appeared to him that by the course they were taking in this matter, hon. Gentlemen opposite were manifesting a great want of faith in their constituents and in the assessment committees. There was no reason whatever why they should treat them as their enemies.

MR. BEACH remarked that although he should have the greatest confidence in the assessment committee, they would have to apply the law as it was laid down in the Bill.

THE SOLICITOR GENERAL said, that of course the Government had no intention or desire to rate masters of foxhounds. He agreed that the words suggested by the hon. Member opposite (Sir Michael Hicks-Beach), "the killing of game or rabbits," would answer every purpose.

MR. PELL preferred to retain the word "sporting," as they did not know what "game" was.

MR. CLARE READ felt sure that the words proposed by the hon. Baronet the Member for East Gloucestershire would meet every difficulty.

*Amendment (Mr. J. Lowther) negatived.*

The words "taking or killing game or rabbits" inserted in lieu of "sporting."

Clause, as amended, ordered to stand part of the Bill.

Clause 19 (Definition of "occupier") struck out.

MR. STANSFIELD moved the insertion of the following new clause, after Clause 3—

(*Valuation of land used as plantation, &c.*)

"The gross value of any land used for a plantation or a wood, or for the growth of sale-

able underwood, or for both such purposes, shall be estimated as follows:—

(a.) If the land is used only for a plantation or a wood, the gross value shall be estimated as if the land were in its natural state, and let for agricultural or grazing purposes without any trees growing thereon.

(b.) If the land is used only for the growth of saleable underwood, the gross value shall be estimated as if the land were let for that purpose.

(c.) If the land is used for the growth of trees and of saleable underwood, the gross value shall be estimated either as if the land were used only for a plantation or wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine."

MR. GOLDSMID said, he wished to know what was meant in the clause by the expression "the natural state of the land." Something must have been done with the land at some time or other since it was created; and that being so, who could tell what its natural state was? The right hon. Gentleman had adopted the words from the hon. Member for South Norfolk (Mr. Clare Read), and he should like to have some explanation of their meaning.

MR. HUNT proposed to omit the word "only" in the first line of sub-section (a) "if the land is used only for a plantation," &c. The land might be used for the purpose not only of growing wood, but of preserving game, and those words would seem to imply that the land was assessed only for agricultural purposes.

MR. STANSFIELD explained that the word "only" in sub-sections (a) and (b) was used with reference to a provision contained in sub-section (c).

MR. HENLEY observed that if land in its natural state were assessed, some allowance ought to be made for the expense necessarily incurred in clearing it. Some of the ancient forests had remained uncleared because it was thought the land would not repay the cost of clearing.

THE SOLICITOR GENERAL promised to consider the point raised by the right hon. Gentleman before the bringing up of the Report. If the owner of a wood used it as a game cover, it might be necessary to make him pay for his game as well as for his wood.

MR. SERJEANT SHERLOCK was in favour of retaining the word "only" in the sub-section.

MR. HUNT said, his object in moving the omission of the word "only" was to obtain the opinion of the Committee on the point. He would suggest that the Chairman should report Progress in order that the Government might have time to consider the point.

MR. STANSFIELD said, it was unnecessary to report Progress, as the question raised would be considered before the bringing up of the Report.

*Amendment negatived.*

MR. PERCY WYNDHAM moved in paragraph (a), line 1, to leave out "a plantation or" after paragraph (a) insert the following paragraph—

"If the land is used only for plantation the gross value shall be estimated either as if the land were let for planting purposes, or as if the land were in its natural state and let and used for agricultural or grazing purposes without any trees growing thereon, as the Assessment Committee may determine."

His object was to encourage the plantation of land unsuitable for agricultural or grazing purposes, but which, though too poor for those purposes, might be made useful for the growth of larch and other trees.

MR. HIBBERT said, that if these words were adopted by the House they would be departing from the understanding which had already been come to with respect to the rating of plantations and woods, and the Government therefore could not accept the Amendment.

*Amendment negatived.*

MR. GOLDSMID moved the omission of the words "in its natural state." These words had been defined to mean that as a man without his clothes was in his natural state, so land without trees was in its natural state; and if that were so it would be better to omit the words.

LORD GEORGE CAVENDISH said, that the more they went into this matter the greater mess they seemed to make of it.

MR. STANSFIELD said, these words had been inserted to carry out the view which was generally expressed by the Committee, that land covered by plantations or woods should be assessed as if the plantations and woods were not there, and as if the land were let for ordinary agricultural purposes.

Committee report Progress; to sit again upon *Friday*, at Two of the clock.

#### ECCLESIASTICAL COMMISSIONERS

BILL—[Lords]

(*Mr. Winterbotham*)

[BILL 235.] SECOND READING.

#### Order for Second Reading, read.

MR. GLADSTONE, in moving that the Bill be now read a second time said, that as its title did not convey any very clear idea of its objects, he wished shortly to explain them. By the existing regulations the salaries of Deans were fixed at £1,000 a-year, and no more. To the Deanery of Lichfield, however, there had been attached since 1706 the important and valuable living of Tattenhill, Staffordshire, which was within the diocese of Lichfield, but at some distance from the Cathedral city, and therefore not coming within the 13 & 14 Vict. c. 94 which forbade that any Dean should hold with his deanery any benefice not situate within his Cathedral city. The question, therefore, was whether by the provision of the general law he was disabled from the possession of that living. The Government thought it fair to submit the matter without delay to the decision of the proper tribunal, and the Court had decided that the Dean of Lichfield had taken the living absolutely when he accepted the Deanery. The Bill provided prospectively for the severance of the living from the Deanery, and left it to the Ecclesiastical Commissioners to lay down the conditions under which it should be divided after the severance had been carried out. Previous to the annexation of the rectory to the Deanery Her Majesty had been seized of the advowson in right of the Duchy of Lancaster. The Bill provided that after the severance the advowson should be vested in Her Majesty as formerly.

Bill read a second time, and committed for *Monday* next.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### WINDWARD ISLANDS AND TRINIDAD —ECCLESIASTICAL POLICY.

##### RESOLUTION.

MR. CHARLEY rose, pursuant to Notice, to call attention to the Ecclesiastical Policy applied by Her Majesty's Government to the Windward Islands

and to Trinidad; and to move "That this House disapproves of the Ecclesiastical Policy of Her Majesty's Government in the Windward Islands and in Trinidad." The hon. and learned Member said, that Her Majesty's Government since 1869, had been engaged in disestablishing the Church of England in the West Indies, and his first object was to show that in carrying out that ecclesiastical policy, they had violated the principles which they had themselves laid down upon the Motion of the hon. Member for Bradford (Mr. Miall), for the disestablishment of the English Church. Her Majesty's Government had also been engaged in endowing the Church of Rome in the West Indies; and his second object was to show that in carrying out that ecclesiastical policy, they had violated the principles which in 1868 carried them to place and power. The right hon. Member for Buckinghamshire (Mr. Disraeli) not long ago said, that concurrent endowment was dead; but at that time the despatches of Lord Kimberley had not been laid on the Table; and he (Mr. Charley) submitted that concurrent endowment still survived and flourished under the auspices of the Colonial Office. He confined his Motion to the Windward Islands and Trinidad, because it was difficult to gather from the Returns which had been presented what had been precisely the policy of Her Majesty's Government in the other West Indian colonies. The most important of the Windward Islands was Barbadoes, and it was the seat of the Bishop of those Islands. In 1869, Lord Granville, then Colonial Secretary, instructed the Governor of those Islands to disestablish the Church of England in Barbadoes. Governor Rawson was surprised at the revolutionary policy of Her Majesty's Government, and wrote a despatch to Lord Granville, in which he said it was no light task which had been imposed upon him; that he approached it under a great sense of responsibility, and that the people of Barbadoes were almost exclusively members of the Church of England.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

**MR. CHARLEY**, resuming, said, that Governor Rawson gave some interesting

statistics founded upon the religious Census of 1861; from which it appeared that the population of Barbadoes consisted of 152,727 persons, of whom 135,000 were members of the Church of England; 10,500 were Wesleyans; 3,000 were Moravians; 230 (chiefly military) were Roman Catholics having a military chaplain; and 30 belonged to other denominations. In his despatch, alluding to the intention of the Government to disestablish the Church of England in the island, Governor Rawson said—

"I see no reason for making any change in the existing arrangement. The supremacy of the Church of England ought not to be theoretically or practically interfered with in this island,"

and he added that the Wesleyans very generally brought their children to the Church to be baptized, claimed the offices of the clergy of the Church at the burial of their dead, and many of them attended the services of the Church as well as their own religious meetings. It appeared from the Returns before the House that on the 6th of July, 1871, a conference of the clergy and laity of the Church was held in Barbadoes, at which, among other things, they recommended that a Petition should be presented to the Legislature, praying that it should contribute to the salary of the Bishop of Barbadoes. Lord Kimberley seemed to have been greatly shocked at that proposal, for in his despatch to the Governor, he directed him to make it clearly apparent to the Legislature that to contribute to the salary of the Bishop would not be in accordance with the principles on which Her Majesty's Government desired to act in reference to the ecclesiastical affairs of the West India islands; and that whatever aid the Legislature desired to extend to the Church should be paid in a bulk sum to the Church Body. On the 10th of October, 1871, the Governor replied, stating that the proposals of Her Majesty's Government would make so entire a change in the ecclesiastical condition of the island, and would uproot the foundations of a system which had been cemented by ages, and yet showed no signs of decay, that he thought it prudent before communicating with the Legislature to consult his Council. Having consulted his Council, the Governor found them unanimously opposed to the change.

They expressed their opposition in a document, which was set forth in the Papers in which they said they were aware of what had occurred with respect to the Irish Church. They noticed, they said, with great satisfaction the distinction which the Prime Minister drew between the Irish Church and the Church of England, the one being the Church of the minority and the other being the Church of the great majority of the people; and they respectfully but confidently claimed the benefit of the distinction thus drawn for the Church in Barbadoes, and on similar grounds. There was scarcely a word which fell from that distinguished champion of the English Church which would not apply to the Church in that island, and with the more point and greater force, because of the greater unanimity which prevailed respecting it among the people. Indeed, such was the harmony that existed there on the subject, that it was questionable whether even among the comparatively small body of Nonconformists, to whom there was every desire to do justice, a Mr. Miall could be found to propose its disestablishment. They added that it was connected with their early history; that it was interwoven with the social and political life of the people of the island; that it was one of the permanent institutions of the country; and that the carrying out of the policy of Her Majesty's Government would create great and inevitable confusion. Such was the opinion of the Governor, the Council, the Legislature, and the people of Barbadoes. Her Majesty's Government had since consented to the payment of a salary of £1,000 a-year to the Bishop; but that graceful act did not in his opinion at all derogate from the feeling with which their deliberate attempt to disestablish the Church of Barbadoes should be regarded, an attempt founded on what principle he could not conceive, but should like to be told. He passed on to Tobago, and asked on what principle the Government proposed to disestablish the Church of that island? With respect to that island, 9,000 of its 16,000 inhabitants were members of the Church of England. There were three rectors in the island, each with charge of about 3,000 Churchmen, and each having a salary of £320 a-year with an allowance of £100 a-year for a

curate, payable from the Legislature. The Governor proposed that the revenue of the Church should be reduced from £1,060 to £800, but the Earl of Kimberley insisted that there should be a strictly proportionate concurrent endowment, and that the Church of England should only have £625, the exact proportion to which it was entitled as calculated upon the number of its members. That was what was done in islands with only a small Roman Catholic population, and he now came to islands on which the Roman Catholics were in a great majority. In St. Lucia, where there was a majority of Roman Catholics among the population, a despatch of Governor Rawson's, dated October 30th, 1871, stated that—

"There had been no complaint or jealousy on the part of the Roman Catholics, neither had there been any religious dissension or dissatisfaction. The members of the several Churches have for a long time lived together in uninterrupted harmony."

A spirit of discontent, however, was infused into the island by the attempt to introduce the principle of proportionate concurrent endowment, and the Roman Catholic Archbishop wrote to Lord Kimberley insisting that the principle should be thoroughly carried out according to the respective numbers of Roman Catholics and Protestants, when the former would receive £1,600 and the Protestants £100.

Notice taken that 40 Members were not present. House counted, and 40 Members being found present.

MR. CHARLEY resumed:—The attempt by Lord Kimberley to extend to Her Majesty's subjects in St. Lucia the principle of religious equality, had simply introduced discontent among Roman Catholics who were perfectly contented before, though their endowments had meanwhile been increased. In Grenada, where there was also a majority of Roman Catholics, the Legislative Council proposed to give £1,000 to the Church of England and £1,000 to the Roman Catholics, instead of giving £2,000 to the former. The Governor reported that there was no ill-will on the part of the Dissenters to the Church; but Lord Kimberley, however, would not hear of the arrangement, insisting that no grant should be given to any religious body which was out of proportion

to its numbers, and that the scheme of proportionate concurrent endowment should be carried out. The Legislature thereupon passed a resolution declaring that they would disestablish the Church of England as soon as possible, but afterwards they changed their minds, and resolved that the present religious position of the several Churches should continue as at present. A Church Disestablishment Bill was subsequently introduced into the Legislature by the Lieutenant Governor and was rejected, being blow No. 2 to the Earl of Kimberley. Governor Freeling then wrote a despatch in which he stated that it was useless to press the subject of concurrent endowment further at that time. Governor Rawson, however, on the 9th of May, 1873, penned an extraordinary despatch to the Earl of Kimberley, in which it was proposed that mass meetings should be held, and a newspaper established in the island over which he presided, in support of disestablishment, and, curious to say, Lord Kimberley favourably entertained that proposal. In the island of St. Vincent there were 17,000 Anglicans and 17,000 Dissenters, including Roman Catholics. The Government insisted upon disestablishment there, and required that when vacancies occurred in livings the amount of the incomes was to be handed over to other religious denominations. In Trinidad the Church of England was disestablished in 1870 by Lord Granville. At that time the revenue stood thus—The Church of England had £5,136 income, and the Church of Rome £5,300; and when a despatch was sent to the Governor by Earl Granville to know what changes he would suggest, the reply was that no changes were required. The Earl of Kimberley, however, in a remarkable despatch, dated the 6th of January, 1871, laid down the general principle upon which he desired the Governors to act. On a Roman Catholic incumbency becoming vacant the last stipend should be paid to the Roman Catholic Body; but when a Church of England incumbency became vacant, two-thirds of the last stipend should, until equality was arrived at, be paid to the Roman Catholic Body. The Archbishop of Port-au-Spain, not satisfied with that slow mode of carrying out the object in view, and wanting the money down at once, wrote a despatch to the Earl of Kimberley, in which he expressed his wishes very forcibly, and

the noble Earl at once acceded to his request, and concurrent endowment was carried by main force through the Legislature of Trinidad. In conclusion, he called upon all hon. Members of the House who were opposed to disestablishment to vote in favour of the Motion which he had brought forward, whatever might be their views with regard to concurrent endowment. He also called on all hon. Members who were opposed to concurrent endowment, whatever their views might be with regard to Establishment, to vote in favour of his Motion, because they could not be in favour of a system of concurrent endowment which had been well described as a system which obliged almost everyone in the community to contribute to the support of one or more religious systems which he deemed entirely incorrect. The hon. and learned Gentleman concluded by moving his Resolution.

SIR CHARLES ADDERLEY, in seconding the Motion, said, he thought the hon. and learned Gentleman had made out a case which required explanation from the Government. It appeared from the Parliamentary Papers which had been issued, that there had been not only an unprecedented tampering with the free legislation of the Colonies, but that there was some influence at work upon the Ministry, not apparent, adverse to the Church of England and violently stripping her in the Colonies of the revenues she derived from local resources. That influence had, it appeared, been brought to bear upon the Government immediately after the disestablishment of the Irish Church, pressing them to disestablish the Church in the Colonies; but although the idea was mooted it found no sympathy in that House. It had apparently, however, taken effect upon the Government, being admitted by them as a necessary corollary to the disestablishment of the Irish Church. He believed, however, that the House, if it had known the steps taken, would never have supported the course which the Government had consequently pursued, and the subject was one of the gravest possible kind in its constitutional as well as in its religious and moral aspect. Formerly, the Colonial Church was supposed to form a portion of the Established Church of England; but it having been formally decided to the disadvantage of the Colonial Church that such was not the case, the latter

Church was entitled to any advantage in its favour that that decision might afford. He wished to know, after that decision, what business an English Minister had to meddle in the concerns of the Colonial Church? Most of our colonies had representative Legislatures, and neither Queen nor Parliament had certainly any right to interfere with their local matters without the concurrence of the local Legislature; and even in the Crown Colonies local matters should only be dealt with by the Representative of the Crown on the spot, in accordance with local public opinion. In no case was the Crown entitled to arbitrarily control colonial local affairs, still less, as in this case, to interfere in a manner contrary to the expressed local will. In the present case the Crown had initiated a scheme of concurrent endowment in the colonies, which was directly opposed to their feelings. Ministers founded on vague principles, arbitrarily laid down, a theory of religious disendowment, with a sole alternative of concurrent endowment, which they had proceeded to force adversely upon the local Legislatures. Lord Derby's Administration had wisely discontinued the grant, amounting to about £20,000 per annum, which had been charged on the Consolidated Fund to the Colonial Church of the West Indies, on the ground that it was an unjust tax upon the British taxpayer, and, now that its temporary object had been attained, was equally opposed to the interests of the Colonial Church. In ecclesiastical as well as in civil and military matters, it was better that every country should be self-dependent. About the same time the Jamaica Clergy Acts expired, and the result of the action of the Government had been that the Jamaica Church had consequently been stripped not only of its English subsidy, but of its own revenues. The very able Governor, Sir John Grant, had, in contemplation of the Clergy Acts expiring, drawn up a scheme for a new arrangement of the local resources of the Jamaica Church under its new circumstances, which he had sent home for approval. Lord Granville, however, instead of sanctioning that scheme, which had received the support of the local Legislature, had said that the moral and religious culture of the subject-race was to be the Governor's object, and not the ascendancy of any particular religious communion. He was

not prepared to admit the antithesis. Even if religion were only for the "subject-race," there was no such race in Jamaica; but he thought that the moral and religious culture of the upper classes should be regarded equally with that of the lower classes. As more influential it was even more important, and certainly quite as necessary. The free Legislature of Jamaica had devoted £30,000, out of a total revenue of £300,000, to religious purposes, and had thus clearly expressed its views with regard to what it considered its ecclesiastical requirements; but Lord Granville, in issuing his ukase, had forced the Governor to alter his scheme against his own wishes, and to establish a new system against those of the local Legislature. The Baptists of Jamaica, finding their own offerings falling short, desired a level field and no favour, but that was not the general wish of the oldest and freest of our West India Colonies in its representative days, nor was it now. The Jamaica Church was now, as a voluntary society, to be incorporated by a charter, even the cost of which incorporation it had been required to pay. The whole proceeding was very characteristic of the colonial policy of the party opposite, who were always endeavouring to force doctrines fresh from their experiments in this country down the throats of our Colonies. Sir John Grant wrote to Lord Granville—

"I was offering a scheme, but as not in accordance with your instructions it must be dropped. I will draft another on your basis of religious equality."

Barbadoes had a population of nine-tenths Anglican Church, but the advantages of national worship must be sacrificed to this inexorable theory. General Rawson—

"found them even more unanimous than he had anticipated against the change, and not at all prepared to break up the foundations of their Church, cemented by age."

As a similar instance, it would be recollect that in Ceylon, Lord Grey created a rebellion by forcing upon the island, unprepared, and in a state of panic, the just-adopted principle of free trade. His right hon. Friend the Member for the University of Oxford, who was unable to be present, had placed in his hands a Paper which he had received from the West Indies, in which the writers said that to force upon the West Indian Colonies an ecclesiastical

*Sir Charles Adderley*

policy which might suit other colonies was a very arbitrary way of dealing with their interests. To say that they would throw upon voluntary resources the Church of the West Indian Colonies was to forget that the peasantry in those islands, upon whom the burden would have to be thrown, were only a generation removed from slavery. Again, there was great inequality between the effects of this treatment on Church and Dissent. The Dissenters had their own congregations in particular places, who collected amongst themselves a sort of joint-stock by voluntary contributions; but the Church had its agencies in all parts, and sought to evangelize the whole of the population without distinction of particular localities. It had to set up its agency often, and especially, where there were none to contribute. Further, the writers of the Paper to which he was referring contended that the disestablishment of the Church in the Colonies was uncalled for, as against the almost unanimous feeling of the people concerned. On the whole, it seemed to him that unless some explanation could be given of the facts which had been set forth, it was a case in which Her Majesty's Government had violated all the constitutional principles of colonial self-government by having, in a most unprecedented and unwarrantable way, forced their own nostrums and doctrines where they had no business to intrude them at all, and appropriated revenues over which they had no control, and imposed force on an unwilling people, exerting the Imperial power in opposition to popular freedom.

Motion made, and Question proposed,

"That this House disapproves of the Ecclesiastical Policy of Her Majesty's Government in the Windward Islands and in Trinidad."—*(Mr. Charley.)*

MR. KNATCHBULL-HUGESSEN had heard with some degree of regret the speech of his right hon. Friend who had just sat down in which he had charged Her Majesty's Ministers with having "violated every principle of constitutional Government," and of having "forced measures down the throats of Colonial Legislatures contrary to their opinion." Such, he had said was "the general policy of the party opposite." But his (Mr. Knatchbull-Hugessen's) regret was tempered by the reflection that, in spite of this sweeping charge,

the fact remained that since he had occupied the position he then held, upon every single question of colonial policy, Her Majesty's Government had received the cordial and generous support of his right hon. Friend, and by the consequent hope that his withdrawal of that support upon the present occasion was only temporary. His right hon. Friend had spoken of the policy of Her Majesty's Government as having been dictated or suggested by some of the enemies of the Church of England. He, for one, was no enemy of the Church of England, but he was not sure that those were the best friends of the Church who endeavoured to maintain her supremacy in localities where she was in a small minority, and would keep her in such a position before the eyes of the people as to render her unpopular, and so diminish her strength and usefulness. It was urged that the policy of which complaint was made was not a corollary of the disestablishment of the Church in Ireland. He would appeal from the right hon. Gentleman who urged this argument to Gentlemen belonging to his own party, and inform them and the House that the policy complained of was not originated by Her Majesty's present Government, but was, if not actually originated, at any rate taken great part in, by the Government of which the right hon. Gentleman was a distinguished Member. The right hon. Gentleman said that a Bill brought in in 1868 by the Government of which he was a Member had nothing to do either with the question now before the House or with the disestablishment of the Irish Church. It was very good generalship of his right hon. Friend to introduce this statement, knowing as he must have done that this Bill would be brought up against him in such a debate as the present. But he maintained, on the other hand, that the Bill of which the Duke of Buckingham moved the second reading in 1868 rendered it impossible not to adopt some such policy as had since been followed by Her Majesty's Government. The Duke of Buckingham, in moving the second reading of a Bill to relieve the Consolidated Fund from the annual payment of £20,300 for purposes connected with the Church of England in the West Indies—a grant made on the proposition of Mr. Canning in 1824—stated that the House of Commons was "evidently of opinion that

the grant had done its work and was no longer necessary ; " and Lord Cairns, speaking on the same occasion, stated his opinion that the colonies were prepared to provide the cost of maintaining their own Churches. Again, on the same occasion, the Earl of Carnarvon said that in his opinion there was a great deal that was parallel between the case of Ireland and the Church of England in the West Indies. He said that in the West Indies the Established Church, as in Ireland, was the Church of the rich few — a Church whose educated clergy, scattered in the midst of a far less educated race, stood very much in the same relation to the population as did the clergy of the Established Church to the population of Ireland. After the disestablishment and disendowment of the Irish Church, and when speeches like these were made in the Imperial Parliament, and reported in the colonies, was it to be supposed that the matter could rest where it had rested heretofore, or that the whole question must not have been opened up and fairly placed before the colonists themselves as to the position in which they wished the Church of England hereafter to stand in relation to them ? He did not know why his right hon. Friend (Sir Charles Adderley) should have objected to religious equality, for he believed they were all in favour of that principle as long as it was not opposed to religious liberty ; and if religious equality could be attained without inflicting wrong on any portion of the community, it was a thing to be desired. He (Mr. Knatchbull-Hugessen) had stood up and was prepared to stand up for the Church of England in this country. But he had always held that there was nothing abstractedly right or wrong in establishment and endowment or the reverse. The question of disestablishment and disendowment must be considered relatively to the real circumstances and position of the particular community with which they had to deal ; and it was quite possible to support the establishment and endowment of the Church of England, and yet to think that her establishment and endowment in other countries was not desirable either for her own interest or for those of the population generally. How did matters stand in Trinidad and the Windward Islands before the policy of Her Majesty's Government was brought forward in re-

gard to them ? Why, the small minority belonging to the Church of England was endowed, whereas the large majority was not endowed at all. It was true that at Barbadoes the Church of England had a very large majority of the population ; but, as to that island, although the policy of the Government had been distinctly placed before the Legislature of Barbadoes, yet when the Legislature objected to the principle which was proposed, no attempt was made to force its adoption upon it ; and it had been confessed by the Mover of this Motion that the Government had performed a graceful act in advising Her Majesty to confirm the Barbadoes Bishop's Act. As to what had been said about Jamaica, if they considered the position of that colony before the disendowment of the Church and its position after that event, they could not fairly come to any other conclusion than that the work which had been done was a good and a wise work. What was the previous condition of Jamaica ? Speaking from memory, he believed about £36,000 was contributed from the revenue to the Church of England, who numbered 25,000 persons as against upwards of 80,000 belonging to Nonconformist bodies. Was this a system which could be defended ? Now, let him quote from that Jamaica despatch of Lord Granville's of which his right hon. Friend complained. Lord Granville said—

" Her Majesty's Government are of opinion that the moral and religious culture of the subject-race, and not the ascendancy of any one communion, ought to be the object of your Government."

His right hon. Friend, quoting this despatch of Lord Granville, said that the moral and religious culture of the lower classes and the subject-race was not so important as that of the upper classes. He could not admit that proposition, but maintained not only that the moral and religious culture of one class was as important as that of the other, but that if either should be the special care of the State, it should be that poorer class which was least able to help itself. But what were the principles that had been laid down by the Government ? Why, that in those islands, in some of which the Church of England was in a majority, and in some in a small minority, it was desirable that instead of letting that Church remain the only endowed religion, it should be proposed to those

various colonies that they should either disestablish and disendow all, and leave all to stand on their own merits, or that some concurrent endowment should be adopted consistently with religious equality. And there was a second principle laid down by Lord Granville in a despatch of the 16th November, 1869, in the following words :—

"With less than one third part of those who effectively belong to any Christian communion attached to the Church of England, and with nearly two-fifths of the population never attending any religious services, it would be unjust to devote the proceeds of taxes levied from the whole population, to a body to which so small a portion of that population belongs."

The Government did not, as had been said, impose restrictions on the colonists endowing their own Churches, but it had set its face against the idea that it was right for them to raise taxes from the large body of poor people who did not belong to their communion at all, and to employ those taxes in converting them to their religion. To accuse Lord Kimberley of harshness in that matter was only to show an ignorance of his character, and an unacquaintance with his administration of the colonies, which he (Mr. Knatchbull-Hugessen) ventured to say had been marked with an ability which had raised both him and his administration in the good opinion of the world. In St. Vincent's, where it was alleged they had treated the Church of England so badly and reduced her emoluments, 17,000 of the population belonged to that Church, 14,000 to the Wesleyans, and 3,000 to the Roman Catholics. And here the hon. and learned Member for Salford had shown the cloven foot— "What chance," said he, "would those 3,000 Roman Catholics have had of obtaining a share in the endowment, but for the interference of the Government?" *Hinc illæ lachrymæ.* But where was the justice of the hon. Gentleman? Would he have left things as they were, the Anglicans receiving near £2,200, the Wesleyans £250, the Roman Catholics nothing? What the Government said was that if there was to be concurrent endowment, instead of everything being given to the Anglicans and nothing to others, something more indeed ought to be given to the Anglicans than to the others; but there should also be given to the other religious denominations a fair proportion of the whole grant. In Tobago, the Anglican Church had 9,000

adherents, the Moravians 3,600, the Wesleyans 330. Was it fair that the former should have everything and the others nothing? Was the condition of things previously existing in St. Lucia equal and just? After what we had done in Ireland, would it have been satisfactory to leave things as they were in that island, where there were some 30,000 Roman Catholics and under 2,000 Protestants, the former receiving £900 per annum and the latter £800 supplemented until lately by £200 per annum from the Consolidated Fund? In Trinidad, with 64,000 Roman Catholics to 26,000 members of the Church of England, there were in the local Legislature eight votes to three against disendowment and in favour of concurrent endowment, so that it was untrue to say that concurrent endowment had been forced down the throats of the people. Since then a Petition had reached the Colonial Office in England, signed by upwards of 200 persons, in favour of total disendowment; and it was not improbable, if that principle made progress, that disendowment might eventually be adopted. He might go at great length through all the cases, but he had stated what he believed to be the main reasons for the action of the Government. His own difficulty was to see what different policy the Government could have adopted; and he felt very sure that if hon. Gentlemen opposite had been in power, and his right hon. Friend at the Colonial Office, his fair judgment and candid mind would have led him to adopt that very policy which he repudiated to-night. He could not follow the hon. Member for Salford when he spoke of Governor Rawson as being an honourable man who had been cleverly manipulated; he could only take exception to the use of such an expression; and as to the Government "descending into the gutter," he did not know what it meant, but if it implied anything dishonourable on the part of the Government he could only repudiate the suggestion. He could not see any reason to condemn Governor Rawson for having stated that the Roman Catholics had held a public meeting, and were about to establish a newspaper to advocate their claims. The hon. and learned Gentleman said that dissension had been created. But what was the meaning of the action noted by Governor Rawson? Simply that the

Roman Catholics having long been content to rely upon the justice of the Legislature of the Governor and of the Home Government, had found the delay in recognizing their claims so long that they had deemed it desirable to resort to measures which were perfectly legitimate for the furtherance of those claims. Why should the hon. and learned Gentleman object? If he (Mr. Knatchbull-Hugessen) was not mistaken, the hon. and learned Gentleman himself frequently made use of public meetings to advance his views, and possibly at some time or other he might have had some connection with newspapers. Why, then, should he blame the Roman Catholics of Grenada for following so good an example?

MR. CHARLEY explained that he meant to say that Her Majesty's Government had fostered agitation in the Island of Grenada against the local Legislature.

MR. KNATCHBULL-HUGESSEN said, that every interruption only strengthened the case of the Government, and that there was nothing whatever in this or any other despatch to indicate that Her Majesty's Government had taken any part in agitation against the local Legislature. It was true that the latter had changed and re-changed its views, and possibly the action of public meetings and newspapers might, not for the first time, have influenced such change. But Her Majesty's Government had neither the power nor the will to force the Legislature of Grenada to act in this matter against its will. In all these cases, what the Government had done was to place its own views of ecclesiastical policy fairly before the local Legislatures, but in no case had undue pressure been used. In all that he had said, he had advanced nothing which required him to explain or retract expressions which he had used elsewhere in defence of the Establishment of the Church of England in England, and which he was prepared, when necessary, to use again. There were cases in which a great National Church, rooted in the hearts and affections of the people, could not be uprooted and disturbed without doing violent injury to the social, political, and moral welfare of the community; but these considerations did not apply in communities where the majority was of one religious persuasion, and the

whole endowment was given to the other. In such cases there could be but one result, the weakening of the moral influence of the endowed religion, little by little, and the spread of principles opposed to religion altogether. Believing that the policy of Her Majesty's Government was founded on truth and justice, and that no Government could have acted on any other principle, he asked the House not to assent to the condemnation of it proposed by the hon. and learned Member for Salford, a condemnation which he was sure would be disapproved by every thinking man in the House, and by the great majority of the people of this country.

LORD JOHN MANNERS said, he was of opinion that anyone who had read the Blue Book on the Table must have come to the conclusion that the meddling of the Earl of Kimberley had interfered with the religious peace of the islands, and that now there were those ecclesiastical disturbances and a state of things which everyone must deplore. In one island — the Island of Grenada—they had the satisfaction of knowing that the Principal Secretary of State for the Colonies and the Lieutenant Governor were putting their heads together for the purpose of circumventing and overruling the wishes of the local Legislature. In another case, the local Government declined to proceed in the course suggested, but after a little judicious manœuvring, one or two Members of the Council were induced to stay away, and by a majority of 1, the policy of Her Majesty's Government received the sanction of the Legislature. Those were circumstances which might be fairly brought before the House of Commons, for the Government were forcing disestablishment and disendowment, or a system of concurrent endowment—a policy which would scarcely have been expected from a Government that had said so much against concurrent endowment in Ireland. The right hon. Gentleman the Under Secretary of State for the Colonies, in his defence of the Government said, that that policy originated in 1867, when a Conservative Government relieved the Imperial Exchequer of the payment of a sum of £20,000 for the endowment of the Church of England in the West Indies. The necessary result of that, according to the right hon. Gentleman, was that religious

equality was to be produced either by disendowment, or by concurrent endowment. He was surprised that the Prime Minister did not run out of the House when he heard the Under Secretary for the Colonies defending concurrent endowment, considering how he had spoken of that means of establishing religious equality in Ireland. The Imperial Parliament had never sanctioned the disendowment of any one of the branches of the Church of England in the Colonies, and in the Act of the English Parliament of 1867-8 there was not one word said either about endowing other denominations, or of disestablishing the English Church in any one of the islands, but it was left entirely to the Colonial Legislatures to say what they would do in support of the local Churches. Her Majesty's Government, however, when they came to deal with the question in 1870, issued a Circular to all the colonial Governors, in which they stated that the principle they had determined should be carried out in the West Indian Islands was perfect religious equality, and they thought the best way to accomplish that was by concurrent endowment. Now, he would ask what liberty, or what freedom was left to the Colonial Legislatures when they were told that a thing had been determined in Downing Street, and done it must be? That was Lord Granville's mandate; but the Earl of Kimberley following him, descended to the most minute particulars, and enforced the sacred principle—that the members of one denomination should not be called upon to pay for the endowment of any other denomination. He would ask the House how that statement could be reconciled with the fact that in one or two colonies, where it was known to the Government that certain religious denominations would not receive any endowment, they were disregarded, and the money was handed over, as in the case of Trinidad, where the Baptists and Presbyterians refused to receive it to the general Exchequer of the island. In that manner it was thought that concurrent endowment might be reconciled with the conscientious scruples of those who would not take any public money, and who thought it the height of injustice that they should be taxed for the support of any other sect. It seemed to him most marvellous that when Government was denouncing all those

who were suspected of having a latent leaning towards concurrent endowment in the case of Ireland, they should themselves be forcing it upon the West Indies. Why, even in the present Session, in the debate upon University education in Ireland, the Prime Minister, catching at some words which had fallen from the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), notwithstanding that his right hon. Friend had said the thing was dead, charged him with still entertaining it as a living idea, and of hoping some day or other to make it a practical reality. That was, he thought at the time, a most unjust charge to make, and it seemed most extraordinary that at the very period when the Prime Minister was making that unfounded charge against the right hon. Gentleman, he was himself endeavouring to make the concurrent endowment which he denounced a practical reality in the West Indies through the instrumentality of his noble Friend the Earl of Kimberley. However, having read the Book now on the Table, and seen how, for the last two years, Her Majesty's Government had been systematically engaged in forcing on concurrent endowment, he could understand what was meant by the charge against the right hon. Member for Buckinghamshire. To return to the question of colonial freedom and local self-government, the right hon. Gentleman the Under Secretary of State for the Colonies told them that Lord Kimberley acted towards the Colonial Legislatures in the kindest and blandest possible manner, and merely reminded them of the moral duty which was incumbent on them not to tax the members of any one denomination for the endowment of another. Well, as respected that he (Lord John Manners) had already shown how his Lordship disregarded that principle in respect to the Baptists and the Presbyterians, who refused to have any endowment whatever, and when defeated in argument by Governor Rawson, he receded from his position, it was only for a moment, still leaving the colonies under the conviction that sooner or later the policy of Downing Street of endowing the different seats in proportion to their numbers, would be forced upon them. If, however, that numerical principle were to be acted upon, what was to be done in one or two of the islands

where a large proportion of the inhabitants were not Christian at all? There it was to be permitted to insert the word "Christian" before the word "denomination," and thus the question was brought to a complete state of absurdity. He must also recall to the recollection of the House that which had been so well put by his hon. and learned Friend the Member for Salford (Mr. Charley), the possible future application of that principle which the Government had been pressing on the Governments of the colonies, urging them either to adopt the principle of concurrent endowment or the principle of total disendowment. He (Lord John Manners) asked what application all that must have to future questions which had to be submitted to the consideration of that House? He feared no other than a mischievous one. In the case of Barbadoes where there was no contest at all upon the subject, the Church was established and endowed in the reign of Charles II., and it was therefore an older establishment than the present Presbyterian Church of Scotland, which was established in the reign of William III. Now, what was its position in Barbadoes? He had no doubt it would be found that the Church of England had done its work there in a way that would afford no justification to the Prime Minister for proposing its disestablishment. The Church of England in Barbadoes, he believed, was not at all in the same position as the Church of England in Ireland. He believed that the Church of England in the Island of Barbadoes was the Church of the great body of the people. In Trinidad, again, there were three dominant religions as there were three dominant religions in Ireland. He would ask why it should not be suggested to them to apply the Trinidadian experiment with regard to any surplus that might remain, in the case of the Irish Church? If the policy of disestablishment and concurrent endowment in the West Indian Islands was the natural child of the Irish policy of 1868-9, what in five or ten years might not be the views of the present Government of the result of the combined disestablishment of the Irish and the West Indian Churches? He recollects the vehemence which the right hon. Gentleman at the head of the Government had de-

nounced the idea of concurrent endowment, and yet they saw with what pertinacity the policy of concurrent endowment had been forced down the throats of the Colonial Legislatures, and against the advice of Colonial Governors. He hoped that that view of the case would not be disregarded by a discerning House of Commons. He would vote for the Motion, because the policy it condemned was in direct opposition to the principle of colonial self-government which he thought had been established years ago; and because he believed it was forcing the Colonial Legislatures to do that which they did not wish to do.

MR. MACFIE thanked the hon. and learned Member for Salford (Mr. Charley) for bringing forward the question, because it showed a series of grave transactions which had been carried out by the Government without asking the opinion of that House, and upon which it had never pronounced its judgment. He felt it was a grievous mistake that great affairs connected with the outlying portions of the Empire should be transacted by the Government without consulting the House of Commons. Here was an important policy being carried out in an important island, and which, if carried to its legitimate consequences, would be undoing the policy which that House had laid out for itself since 1868, and preparing the way for concurrent endowment in Ireland. He could not vote for such a policy, lest his constituents might call him to account, and say he was preparing the way for that which they sent him to that House not to favour, but to oppose. He hoped the Government would be able to give some explanation to ease their minds on the subject, and justify the trust they had hitherto reposed in them.

MR. NEWDEGATE: What the hon. Gentleman who has just spoken (Mr. Macfie) has said, Sir, is much to the purpose. I cannot listen to the discussions between the right hon. Gentlemen who sit upon the two front benches without feeling that the policy of this country upon ecclesiastical questions has been cast loose ever since the disestablishment and disendowment of the Church in Ireland, which is now very generally admitted to have been a mistake; but it appears that that measure was not intended to be an isolated policy for Ireland, but that that policy has

been pursued in the Colonies. I cannot avoid coming to the conclusion that if this country is to have a decided policy, it must be decided by the people, and not by the politicians of this House. We have now had this illustration—that although in Barbadoes an enormous majority of the people are attached to the Church of England, Her Majesty's Government were not in the slightest degree biassed by that circumstance, but sought by all means to disestablish the Church to which the majority of the people are attached. That cannot be denied. It may be called very liberal to make such a suggestion to the people of Barbadoes, and we may be told that the people of Barbadoes have exercised their choice, and that nothing could be more satisfactory than their decision that they will not part with their Established Church. But this controversy has another result. The Government have wrung out of this policy of disestablishment an endowment for the Roman Catholic Church; they have established in Barbadoes the principle of concurrent endowment, although they failed in their attempt to disestablish the Church of England in that colony. Now, Sir, it is perfectly manifest upon the admission of the right hon. Gentleman the Under Secretary of State for the Colonies, that Her Majesty's Government have no policy upon these subjects, except that of obedience—where they cannot help it—to the majority of the people. Let us consider these two principles—disestablishment and concurrent endowment. It seems evident that the way to concurrent endowment is through disestablishment. I stated my conviction that that would be discovered when the proposal was before the House for the disestablishment of the Church of Ireland; and what is the fact even in Ireland already? Why, that the convents and priories of the Roman Catholic Church in Ireland are virtually endowed, through the administration of the grant for national education. That is the fact. If the majority of this House object to the principle of concurrent endowment, they made a mistake in adopting the principle of disestablishment. The point you have reached is this—that the opinions and the position of every denomination are valued by the politicians of this House exactly in proportion to the political power which each denomination happens to possess.

That, Sir, is the lesson that I have long sought to impress upon the Protestants of this country. I tell them that they are slumbering in an unsafe position; that they are deluded into a false security; that if they suppose that the political power of more active denominations will not increase through their inaction, they are deceived. I warn them not to look for security to any political or partisan connection. There is but one security for them—political action! In that is their only security for the retention of their religious establishments and their own religious freedom. That is the lesson which the discussion of this night is calculated to enforce; and I trust that it will not be thrown away upon the people of this country. They have this illustration in the Colonies—that by their having unfortunately sanctioned—and I hope that what I now say will reach the ears of the people of Scotland—by their having unfortunately, and by mistake, sanctioned the principle of disestablishment, they have given an impetus to a principle that leads directly to concurrent endowment—the very principle to which they are opposed. That is the political lesson which I derive from the discussion this night, and I shall tell every Protestant that I have the honour of meeting or addressing, that he must look to political action alone if he desires to preserve the religious institutions he values, or even to be permitted a fair hearing in this House.

SIR ROBERT TORRENS said, he had entertained the opinion that concurrent endowment was an excellent thing in those new countries where there was a scattered population and great difficulty in supporting a resident clergy. He had seen, however, from his experience in Australia, in cases in which such endowment had been done away with, a greater amount of zeal and energy exhibited by the Church of England than she had ever previously displayed. He had thus become a convert to the principle of abolishing all endowments from the facts which had passed before his eyes.

Question put.

The House divided:—Ayes 69; Noes 83: Majority 14.

CHURCH OF ENGLAND REVENUES.  
ADDRESS FOR A ROYAL COMMISSION.

MR. T. HUGHES, in rising to move

"That an humble Address be presented to Her Majesty, praying that She will appoint a Royal Commission to inquire into the amount and application of the revenues of the Church of England and into the system of parochial benefices, with a view to the better adjustment of parishes and incomes, and the amendment of the Law relating to patronage,"

said, that his Motion was a necessary result of the decision of the House upon the Motion of the hon. Member for Bradford (Mr. Miall). By that Motion the House had been asked to resign all control over the Church of England. This, it had refused to do by a very large majority, and, surely, if they were not prepared to give up control, they were bound to do the work of control efficiently. He accepted, but in no humiliating sense, what the hon. Member for Bradford had said—that the National Church belonged to the State as the Army, Navy, and Civil Service did; that the House was bound to exercise authority over it; and that, if the House did not, no other power could. Convocation and synods were trying to do so, but they were not acknowledged by the country. He contended that it was the duty of the House to exercise its control over the patronage and discipline of the Church of England, and so prevent ecclesiastical matters in general falling into ecclesiastical hands, because at this present time in every country in Europe the ecclesiastical powers were endeavouring to assert their authority against the civil powers in these matters. The House ought either to give up its power or to make it real; and if the House would do its duty in this matter it would place England in a position which would be the envy of other countries that were disturbed by ecclesiastical controversies. His Motion dealt with abuses that were vehemently attacked by Nonconformists, and of which no Churchman could deny the existence. The first was the flagrantly unequal distribution of the revenues of the Church. He wished to obtain authoritatively information on this subject, as to which we had now nothing but the vague result of personal inquiry. There was no other power but Parliament that could really ascertain the facts, and one of their first duties was to supply the public with accurate information in reference

to Church revenues. As an instance of the grievous inequality which existed under the present system he would refer to one rural deanery, by no means an exceptional one. In this deanery there were 23 livings, of these the eight largest had a total income of £8,000 a-year, with church accommodation for only 3,233 persons, while the 15 smaller livings had a total income of only £2,012 a-year, with church accommodation for 6,097 persons. The result was that with half the population and half the church accommodation the eight richer livings had four times the income of the other 15 livings. Such inequalities surely called for some action on the part of the House and of the Government. The Ecclesiastical Commission had furnished with reference to caputular estates precisely the kind of information which he asked the House to offer to the country with respect to the other temporalities of the Church. As to parochial and other portions of the revenue of the Church, they had no official and reliable information since the Commission of 1832; but, in the meantime, the number of benefices had increased by 5,000; and, on the other hand, there had been a great shifting of population. Proper statistical Returns were urgently required. That private persons could not obtain them was beyond question. At the request of the Church Reform Association, the Rev. Mr. Fowle had devoted much time to the inquiry; but had confessed that the results he arrived at could not be relied on as accurate. On his assumption that a population of 300 was enough to give active work to a single clergyman, and that £200 a-year was the lowest on which he could live properly, the inquiries he instituted brought out the following results:—There were 409 livings in which there was neither work, nor food; 1,141 in which there was food, but no work; and 3,032 in which there was work, but no food. It certainly was time that these anomalies should be inquired into and redressed. Another point was the question of patronage. Convocation which represented the Church complained of the manner in which patronage was at present exercised, and recommended certain proposals which would remedy the existing grievous system. It was, he thought, important that the House should take the matter up and deal with these recom-

mendations. In 1867, out of 12,088 benefices in the Church of England, as many as 6,403, or more than one half, were in private hands. His Motion affected only the temporalities and lands of the Church, and he thought it was time that the House undertook to deal, at any rate, with that part of the subject. There was no way at present of getting at the value of those temporalities. They were estimated—tithes and rentals—at £1,949,000; lands acquired since the Reformation, £2,251,051; voluntary collections and other items of income, £5,445,000; making a total of over £9,645,500. Other estimates, of course, were very different; but he gave those which appeared to have been the most carefully worked out. It appeared from that, that it was computed that nearly £10,000,000 a-year was allowed by the House to be used, and to remain in a form which all members of the Church of England who took an interest in that subject agreed to be one of great abuse, and unfortunate for the Establishment itself. Therefore, whether for the removal of scandal from the Church, whether as a step towards her reform on the one hand, or towards her disestablishment on the other, there was the strongest ground for obtaining either by a Commission, or in some other way, such statistics and details as he asked for by his Motion, with a view to Parliament making that control and supervision a reality which it had so peremptorily refused to give up. He would admit that what the Ecclesiastical Commissioners had done in regard to collecting information and raising the smaller livings, was good as far as it went; but it was quite inadequate to meet the real requirements of the case. The hon. Member concluded by moving for the Address.

**MR. LEATHAM:** I am glad, Sir, that my hon. and learned Friend has had the opportunity of bringing forward his Motion, and more especially because he has thus raised the whole question of Church patronage. As I have given some little attention to this subject, perhaps the House will permit me to supplement my hon. and learned Friend's facts by a few others. And, in the first place, with regard to the number of livings which are actually at this moment in the market and in the hands of agents for sale, I had the curiosity the other

day to take up a number of *The Ecclesiastical Gazette*—an organ which I think *The Saturday Review* assures us is the official paper of the Bishops. The first name of an advertising agent which I found in the columns of this paper—May 13th—was that of Mr. Ancona, of John Street, Adelphi. I procured his register of livings for sale, and found that it contained particulars of 94 advowsons and next presentations. Returning to the *Gazette*, I found Mr. Lara's monthly selection of Church property—namely, eight advowsons and next presentations. Then came Mr. Stark's advertisement. His register for May contains about 180 advowsons, next presentations, district churches, and Episcopal chapels for sale. He states on the cover, that—

"He begs to remind intending purchasers that he has always many desirable, and—in some cases—cheap livings passing through his hands privately," and he also "takes this opportunity of reminding clients of the absolute necessity there exists, whenever a parish is visited, of the object of these visits being kept strictly private."

The House therefore may imagine this intrepid purchaser—this successor of the Apostles, prowling like a poacher about the future scenes of his ministrations, peeping like an area sneak into the windows of the capital rectory house; but, above all things, taking up a retired but commanding position in the parish church, from which, during Divine service, he may take stock of the age and infirmities of the incumbent. The next advertisement is Mr. Corbett's. Mr. Corbett's list contains 46 advowsons and next presentations. Then we come to Mr. Bagster's monthly register of church preferments for sale for May—104 advowsons and next presentations. Then to the advertisement of *The Church and School Gazette*, conducted by graduates of Oxford and Cambridge. The Rev. W. Powell Jones, who edits this *Gazette*, informs us that he has 700 livings on his books, but on procuring his register, I find particulars of only 114. He prefacing his list by the observation, that—

"It was held by a very eminent Prelate, lately deceased, that 'you might just as well call the buying and selling of a vacant living magic, as call it after the folly of Simon Magus.'"

Now, adding the 15 isolated advertisements of the sale of livings, which are to be found in this copy of *The Ecclesiastical Gazette* to the advertisements of

livings contained in the various registers which I have named, we arrive at 561 as the number of livings which are advertised for sale in one number of this paper. There are 13,276 livings in the country, of which 21 are in the gift of the parishioners themselves, 580 are in the gift of trustees, 4,800 in that of the Crown, the Bishops, deans, and chapters, the Universities, and so forth, leaving about 7,900, of the annual value of some £2,000,000, in private hands. So that about one-fourteenth of the saleable patronage of the Church is up in the market at the same time. But perhaps I shall be told—such is the eagerness of vendors to effect sales—that they sometimes employ more than one agent. Very well. Let us set the duplicate advertisements against the private sales to which frequent reference is made by the agents, and we still have 561 as the number of livings for sale. But, I contend that we are entitled to add largely to this number from the lists of livings advertised for exchange. Exchange in this connection is a prettier word than sale. Many livings are advertised "for sale with an exchange of preferment." For example, Mr. Ancona advertises—

"Advowson, Western County. Price, with possession, £13,000; but if preferred, the incumbent would accept in reduction of such purchase money the presentation to an eligible living of, say, £600 nett."

Not long ago a clergyman applied to all the agents whose names he could learn about a living for exchange, and in every case he received in reply particulars of livings for sale. Suppose that an agent published only one list of livings, which was headed "For exchange," and that several of his advertisements appeared in the lists of other agents as those of livings for sale; suppose, further, that when you applied for this list, you received along with it a paper, headed, "Particulars of Church preferment for sale or exchange," in which the space left blank for "Price asked for advowson, or next presentation," precedes that for "Particulars, if for exchange;"—now this is a fact, there is such a register—and what is the inference which anyone would draw? Is it not that this decorous register of livings for exchange is virtually a register of livings for sale? But if the House will reflect, they will see that an exchange has always more or less of the

nature of a sale about it. And that that is the view taken by the agents is evident, for while they charge only one commission in the case of a sale, in the case of an exchange they charge two—one to each party to the transaction. Well, I infer from all this that we are entitled, if we please, to add largely to the number of livings for sale which I have given. Now, as to the actual business done. Mr. Bagster advertises a register of purchasers 300 strong. Mr. Stark

"begs to announce that in consequence of the very large number of sales during the last few months, he is at the present time somewhat short of preferments to meet the demands of the numerous *bond Ado* purchasers who are looking to him for preferments;"

and in the same number of this *Gazette* he states that his sales, since the last issue, are 10 in number. Now, if Mr. Stark is generally as successful, and the other agents are equally fortunate in proportion to the number of livings which they advertise, I calculate that at that rate the whole saleable Establishment would be turned over in less than 19 years. Now, let us turn to the advertisements themselves. They constitute a valuable contribution to the history of our manners and customs, affording as they do indisputable evidence with regard to the tastes and habits of that most important class—the clergy. A gentleman has carefully analyzed 400 of their advertisements. He found "good society" in 107; e.g.—"Rector of this parish has the *entrée* of the best county society," "good society and no squire"—"in this parish are five gentlemen's houses, two of them belonging to, and occupied by, a baronet and an admiral." Beautiful scenery appears in 53, fishing in 31, shooting in nine, hunting in six, and rookeries in three. Stabling is a great item. There is stabling for eight horses in one case, for seven in another, for six in four, for five in five, &c. Then there is the health and age of the incumbent. "Incumbent about 80, and in a very precarious state of health, so that an early sale is desired." "Population, 1,800; annual value, £1,800; incumbent (the advertiser), aged 58;" but he is, it is believed, in a very bad state of health. Then comes smallness of population. "Population under 100, duty nominal." "Almost a sinecure, popu-

lation under 100, income £400." "Almost a sinecure, single service and no school." A Lancashire rectory is advertised—"No cure of souls; incumbent 77 and non-resident; £450 per annum." One in Shropshire—"Stables for five horses; net income £800; population 1,740; duty only on every alternate Sunday." There are some items of intelligence which one might think would find a place in these advertisements, which are "conspicuous by their absence." Out of the whole 400, only 14 contain any reference to religious views. Three High Churchmen are wanted, and 11 Evangelicals. The owner of a Yorkshire vicarage was evidently born far north. He says—"High Church; but Evangelical would do for this parish." The owner of a Dorsetshire vicarage is a real man of business. "The incumbent, on his furniture being taken for 400 guineas, would get his successor presented to the incumbency." Now, perhaps, the House would like to know who these gentlemen are who cater so pleasantly for the clerical appetite. Well, I must refer them to four admirable letters, signed "Promotion by Merit," which appeared in *The Manchester Examiner* last winter, and have been re-published. The writer of those letters was able, by means of *The Clergy List*, to identify 43 vendors in Mr. Stark's list for October. I have always heard that the aristocracy are averse to trade; but this evidently does not apply to trade in all its branches, for one Duke, one Marquess, two Earls, a Dowager Marchioness, a Countess, a Baron, not to mention two Baronets, figure in the list. I will only name one—the noble President of the National Free and Open Church Association—the Earl of Shrewsbury. At the anniversary of that Society last year, his Lordship remarked that "It was the duty of Churchmen to endeavour to leave Mr. Miall and his friends no tangible ground for attacks upon the Church," and he offers the next presentation of Burghfield, Berks, "with a capital rectory-house, glebe, and a tithe rent-charge, amounting to about £1,120 per annum." But, Sir, it sometimes happens that the agents do not effect a sale. The case is urgent; the incumbent is very old; or perhaps it is thought that the best price is likely to be obtained by a healthy public competition. Then the living is put up to auc-

tion. During the last 12 months four parish churches have been put up at Liverpool, St. Ann's, St. Paul's, St. Catherine's, and St. Philip's. In this last case a clergyman is the seller, and he offers the "valuable advowson of St. Philip's, of the value of £400 to £500, with prospect of an increase." "The Church enjoys the privilege of marrying from all parts of the town." Ovington was put up at the Auction Mart, Tokenhouse Yard, on March 19th. The patron and rector, Rev. C. Fisher, advertised "Capital hunting, fishing, and good society; capital rectory-house, coach-house, stabling, green-house, and good water." He said that he had reached the advanced age of 53. Somehow or other this age did not appear to the spiritual speculator so advanced as it appeared to him, and there was no sale. Trehaverock, in Cornwall, was put up on April 3rd. Trehaverock presents many modest attractions. There is no duty, no residence required, and the parsonage seems to be usefully occupied as a public-house. On Ash Wednesday, thanks to the vote of this House, hon. Members had the opportunity of adjourning to Tokenhouse Yard to see the Church transact her temporal business. Two livings were put up on that day. Dodbrook in South Devon and Falmouth. The age of the incumbent of Dodbrook, was asserted in the advertisements to be 68. He wrote, however, before the sale to say that it was only 56, and though—

"The parish and neighbourhood afford excellent society, and the general state of Church feeling is good, there being but one Dissenting place of worship in the parish."

that announcement acted as a fatal damper, and there was no sale. By an Act of Charles II.—into the origin and details of which, perhaps, we had better not minutely inquire, because that Prince had a good many odd people about him, whom he was anxious to reward, and had odd ways of rewarding them—a rate of 16d. in the pound is directed to be levied for the parson of Falmouth and his successors for ever on all houses, shops, warehouses, cellars, and out-houses within the parish of Falmouth. With tithe and harbour dues that rate amounts to about £1,700 per annum. Last year the living fell vacant, a gentleman of 77 was appointed, and the living thrown on the market. It was bought in at the sale. The last instance which

I shall give is that of Hilgay, in Norfolk, of the annual value of nearly £1,420. This living was offered for sale on May 20th, and along with an hon. Friend of mine I visited the Auction Mart at the time appointed. The auctioneer informed us that of late years that kind of property had become the most difficult to deal with of any which they had to deal with then, owing to the attacks which the hon. Member for Bradford (Mr. Miall) had made upon the Church, but, he added after the speech of the Prime Minister the other night, we shall hear no more of disestablishment for many a long day. He has evidently formed a different opinion from that of the Bishop of Peterborough, who, in reference to the same event, warned the Diocesan Conference at Leicester "not to put their trust in Princes, or in politicians, or in Premiers." But with regard to Hilgay, the living fell vacant last year, and the rev. Canon St. Vincent Beesley was appointed. When he took leave of his old parishioners last October, he spoke of the

"Grace of the Great Shepherd and Bishop of Souls which had disposed the kindly hearts and generous impulses of patrons to seek the best spiritual superintendence they could obtain for the people they are called upon to provide for," and of his own preference as "coming from the spontaneous desire of a faithful widowed patron to carry out her husband's own desire that his people be ministered to by a successor in their curate."

Poor charitable but withal, misguided Canon! He did not know, that it was not the fact that 40 years before he had been curate in the parish, but the accumulated experience of 67 years which made him so valuable an acquisition; that the living was ordered to be sold by the will of his predecessor; and that his 67 years would be made more of at the sale than even the "good dining-rooms, wines and beer cellars, piggeries, and stabling for eight horses." Now, Sir, I know that, as my hon. Friend has said, the Bishops condemn all this sort of thing. "The sale of a living is a scandal, an evil, an abuse of a high and solemn trust," says the Bishop of Manchester. But who preaches loudest the Bishop of Manchester or the Archdeacon of Sudbury, who sells the advowson of Yalding, in Kent, "net income, say, £1,950, incumbent 72, price £13,000, of which £7,000 must be paid down?" And of all the Bishops who con-

demn, one only—so far as I know, has any material remedy to suggest, and that is the Bishop of Exeter. He proposes to throw the burden of the redemption of patronage on the Ecclesiastical Commissioners—in other words, to hand over to rich patrons funds set apart to meet the wants of poor districts; and that is a remedy which I think will scarcely meet with much favour in this House. Failing the Bishops, we turn to my hon. and learned Friend. What is the remedy which he has proposed to-night? To prohibit the sale of next presentations. My hon. and learned Friend is a man of sound sense. Where then does he get his credulity? Is he not acquainted with the history of the Church in relation to patronage? Does he not know that advowsons will be sold with a verbal agreement that they will be handed back or re-sold the moment that the desired appointment is made? Failing then the Bishops, and failing my hon. and learned Friend, where shall we turn for a remedy? Shall we turn to the Chancellor of the Exchequer? Will he come down to the House some day very early in April, and ask us to tax the people, in order that we may abolish purchase in the Church, as we have abolished purchase in the Army? Or will the Church herself come to the rescue? Will members of the Church assemble in Exeter Hall—say, under the presidency of the Earl of Shrewsbury, or the Archdeacon of Sudbury—and subscribe £10,000,000 sterling in order to wipe out this scandal? No, Sir, there is only one alternative—keep your State Church, and keep with it that system of patronage upon which it is founded, and which is firmly built into its structure. Do away with your State Church, and at the same time get rid for ever of a system which sears the public conscience, lowers the whole national conception of religion, and poisons at its source the fountain of sweetness and light.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will appoint a Royal Commission to inquire into the amount and application of the revenues of the Church of England and into the system of parochial benefices, with a view to the better adjustment of parishes and incomes and the amendment of the Law relating to patronage,"—(Mr. Thomas Hughes.)

MR. BERESFORD HOPE said, the speech of the hon. Member for Huddersfield (Mr. Leatham) was, no doubt, very amusing and imaginative, and redolent with some of the wildest and most rollicking statistics he had ever heard applied in that House, and when applied to the solemn subject on which they were engaged, he considered it did great credit to his literary powers. He (Mr. B. Hope) thought they should trust in this matter to the revived spirit of religion, the influence of public opinion, and the activity of the Church. The crude invention of a Commission, hastily appointed in a thin House, was not the remedy to apply to the state of things to which the hon. and learned Member for Frome had drawn attention, and the existence of which he (Mr. B. Hope) would admit. Besides, who was to appoint the Commission—the Government, the Opposition, both together, or the two Houses of Convocation. A Commission appointed by either one or other of those bodies would not command public confidence, while the result of their labours must end in their issuing a sterile Report upon the subject. In any case, it must be greatly hampered in discharging its task.

MR. D. DALRYMPLE said, he must remind the House that the last speaker had entirely begged the question, and had not controverted any of the facts adduced. For himself, he would rather trust the honour of the Church to a Commission than to those persons who were trying to stifle discussion on the flagrant scandal of the sale of livings. The thinness of the House was no reason for refusing a Commission. As a Churchman, he trembled for the Church, more on account of the abuses which existed within it and its increasing dissensions and schisms than on account of the attacks of the hon. Member for Bradford. There were, no doubt, great difficulties to be got over; but the abuse of selling livings for the cure of souls ought to be got rid of in one way or another. He lived in a parish the livings of which had been put up for sale several times, and deplored the evils which attended that system. If that was the way in which livings in the Church of England were to be disposed of, he was afraid evil consequences would follow. If any remedial action were proposed to be adopted, necessarily the first demand

would be for facts, and therefore the inquiry should be granted.

MR. ASSHETON CROSS said, he sympathized with the object the hon. and learned Member for Frome had in view; but he objected to his Motion on the ground that there was already available, without the proposed inquiry, sufficient information for all practical purposes as regarded doing away with all the existing evils complained of. He regretted, therefore, he could not vote with the hon. and learned Member. He considered it would be the worst possible thing that could happen to the Church if they took away the great prizes that existed in the shape of the rich livings of the country, offering as they did to members of the Church the only inducements to elevate themselves in its service. He also believed that it was essential that lay patronage should exist, and that the advowson should always go with the land. The person holding the advowson held it in trust for the public benefit, and on that consideration he could not support the sale of the advowson any more than he would support the sale of a vote.

MR. BRUCE said, he had no doubt that the object of the hon. and learned Member for Frome in proposing the Motion was to benefit the Church. Although he sympathized with his hon. and learned Friend in his wish that the fullest information should be obtained on this subject, he could not help thinking that his statement was overcharged. His hon. and learned Friend should have remembered what progress had been made with reference to this subject in the last 40 years. Since that time the property of Bishops, of chapters, and ecclesiastical corporations had been very largely and very wisely dealt with, and great good had been done in distributing the wealth of the Church among the poorer districts. He doubted whether any action of Parliament could have effected greater progress than had been effected in that period by the action of the Ecclesiastical Commissioners. He thought the information as to the value of ecclesiastical livings could be obtained without a Royal Commission. As to the question of patronage, he thought Parliament would not desire that that matter should be inquired into unless it was also prepared to deal with it. His hon. Friend

opposite had proposed a remedy; but he did not think the House was prepared to enter into the question of patronage. If they abolished patronage, what system could they substitute for it? They should observe what was occurring in Scotland, and meanwhile his hon. and learned Friend should remember that there were defects in all systems. He thought that with so little prospect of serious Parliamentary action the House should not entrust so important a subject to a Commission. But he was willing to undertake, in conjunction with the Chancellor of the Exchequer, to ascertain what means of obtaining information could be placed in the hands of the Ecclesiastical Commission, as to the number of livings, the amount of property, and the other information sought by his hon. and learned Friend's Motion.

MR. T. HUGHES said, he was thankful for small mercies, so on the understanding that his right hon. Friend would arrange for extending the inquiries of the Ecclesiastical Commissioners to parochial revenues, he would withdraw his Motion.

Question put, and negatived.

CRIMINAL LAW AMENDMENT  
ACT, 1871.

MOTION FOR A SELECT COMMITTEE.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider what changes it is desirable to make in the Criminal Law Amendment Act, 1871." —  
(*Mr. Auberon Herbert.*)

MR. BRUCE opposed the Motion as one to which it would be impossible to give effect at the present late period of the Session, and pointed out that in the metropolitan district only eight persons had been convicted under the Act during the past year, adding that it did not operate in the case of the working classes with that exceptional severity which some appeared to suppose. Magistrates were becoming more familiar with its interpretation, and their decisions were much less severe than they had been at first. Under all the circumstances, he could not accede to his hon. Friend's Motion.

MR. MUNDELLA said, that the effect of the Act had been to produce heart-burning and a sense of injustice wherever it was put in operation. In

many cases its penalties had fallen outside its intended circuit—the Chipping Norton case, for example, where women had been sent needlessly to prison. He thought the Government would have done well to grant the inquiry.

MR. WHALLEY concurred in what had been said by the last speaker, and supported the Motion for an inquiry.

MR. G. MONCKTON defended the Act, and was glad that the Government had resisted the Motion for inquiry.

MR. AUBERON HERBERT regretted that the Government had not assented to the Motion, and said that unless they promised an inquiry early next Session, he should insist on the House going to a division on the question:

Question put.

The House divided:—Ayes 85; Noes 39: Majority 4.

LANGBAURGH CORONERS BILL.

On Motion of Mr. Secretary BRUCE, Bill to authorise the division of the wapentake of Langbaugh, in the county of York, into districts for the purpose of Coroners jurisdiction, and the appointment of additional Coroners for the said wapentake, ordered to be brought in by Mr. Secretary BRUCE and Mr. WINTERBOTHAM.

Bill presented, and read the first time. [Bill 242.]

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, 16th July, 1873.

MINUTES.]—SELECT COMMITTEE—Wild Birds Protection, Mr. Samuelson discharged, Mr. Wykeham Martin added.

PUBLIC BILLS—Ordered—First Reading—Wild Animals (Scotland)\* [243].

Second Reading—Labourers' Cottages (Scotland) [88], put off; Municipal Elections (Cumulative Vote) [206], debate adjourned; Public Health Act (1872) Amendment\* [238].

Considered as amended—Intestates Widows and Children\* [214].

Third Reading—Exchequer Bonds (£1,600,000)\* [230]; Treasury Chest Fund\* [233]; Turnpike Acts Continuance, &c. \* [199]; Revising Barristers\* [221], and passed.

Withdrawn—Weights and Measures (Metric System) [90]; Parliamentary Electors Registration [26].

*Mr. Bruce*

## WEIGHTS AND MEASURES (METRIC SYSTEM) BILL—[BILL 90.]

(*Mr. John Benjamin Smith, Sir Charles Adderley, Sir Thomas Buxley, Mr. Tarr, Mr. Baines, Mr. Pell, Mr. Muntz, Mr. Dalglish.*)

## SECOND READING.

Order for Second Reading, read.

SIR THOMAS BAZLEY, in the absence of the hon. Member for Stockport (Mr. J. B. Smith)—who undertook to deal with this subject—moved that the Order for the Second Reading of the Bill should be discharged.

On Question, That the said Order be discharged,

MR. BERESFORD HOPE said, he ought to be the last person to object to the Order being discharged, as he had always been opposed to the Bill becoming law; but he desired to represent the great inconvenience of the system of allowing Notices of Bills to appear on the Notice Paper, after the intention had been conceived of withdrawing them. It deluded hon. Members by bringing some down unnecessarily, and preventing others coming who would be there to take part on other Bills. In the present case, many hon. Members had come down to oppose the Bill; but he himself knew at 7 o'clock last night, through the kindness of the right hon. Gentleman the President of the Board of Trade, that the Bill would be withdrawn, but other hon. Members did not know, and the course which had been pursued, though technically right, was a very inconvenient and unseemly proceeding. Some means should be taken of informing hon. Members when it was intended that a Bill should be withdrawn.

MR. MUNTZ agreed that it was very inconvenient that a Notice should be allowed to remain on the Paper after it had been determined to put the question off to a future time. He had had no intimation that the Bill would be withdrawn, and when he heard of the illness of his hon. Friend the Member for Stockport, he came down to the House with the intention of moving the second reading of the Bill, and should have done so, only that he was informed that the right hon. Gentleman the Member for North Staffordshire (Sir Charles Adderley), whose name was on the back of the Bill, and the President of the

Board of Trade had agreed that the Bill should be withdrawn. Until just now, he had not the slightest idea of any such interference, and he thought if such an arrangement had been come to between those right hon. Gentlemen, the House should have had Notice of it.

MR. COLLINS observed that Notice should have been given not only on account of the Bill itself, but on account of those other Bills upon the Paper, which were affected by the withdrawal of the first one. It was most desirable that hon. Members who intended to withdraw Bills should take the trouble to inform the House through the ordinary channels of information, that such Bills would not be proceeded with. He had himself on the Paper a Bill, fourth in order, the Municipal Elections (Cumulative Vote) Bill, and he had no opportunity of letting his Friends know that there was a chance of its coming on that day.

SIR DOMINIC CORRIGAN endorsed the observations which had fallen from hon. Gentlemen on both sides of the House, as to the inconvenience that accrued to hon. Members from the system of withdrawing Bills without previous Notice. He had come down to the House, at some inconvenience, to support the Bill, in which he took a deep interest, and until the Order of the Day was read by the Clerk at the Table, he had never heard a word of the intention to withdraw it.

MR. STEVENSON, who had given Notice of a Motion for the rejection of the Bill, expressed an opinion that the more the question was discussed the more public opinion would come to the conviction that it would be undesirable to pass it into a law.

MR. BAINES said, he should be sorry if any undue blame should fall on his hon. Friend the Member for Stockport, who was ill. He was informed that his hon. Friend did take measures to acquaint hon. Gentlemen whose names were on the back of the Bill, that he would not be able to be present. Although his own name was upon the back of the Bill, he did not know until a few minutes before it was called on, that it was not to be proceeded with. It was evident that the inconvenience was great and general, and he hoped it would be understood that it was the duty of any hon. Gentleman who, from any cause should

be unable to proceed with a public measure, to give full public Notice in future of his inability to do so. In this case, however, he held the hon. Gentleman the author of the Bill free of all blame in the matter.

Question put, and agreed to.

*Order discharged:—Bill withdrawn.*

PARLIAMENTARY ELECTORS REGIS-  
TRATION BILL.—[Bill 32.]

(*Mr. Fawcett, Mr. Baines, Mr. McLaren.*)

SECOND READING.

Order for Second Reading, read.

MR. PELL said, that he had to ask for the indulgence of the House in allowing him to withdraw the Bill. If an excuse were required, his answer would be that he had had an honest intention to have the question fully discussed; but since he introduced the Bill, the Government had passed another measure, which had reduced his own to a state of coma. He begged to move that the Order be discharged.

On Question, That the said Order be discharged.

MR. GOLDSMID thought that the hon. Member ought to have given Notice to the Clerk at the Table, that the Bill would not be gone on with that day. It was quite time that something should be done to put a stop to the practice which was springing up.

MR. J. LOWTHER remarked that when it was intended to withdraw a Bill public Notice to that effect should be given instead of following the irregular practice of going to the Clerk at the Table and getting the Order set aside without the knowledge of the House.

MR. CANDLISH remarked that it would have been easy for the hon. Gentleman last evening at 10 minutes to 7 to have withdrawn the Bill with the permission of the House.

MR. COLLINS said, what his hon. Friend ought to have done was to have given Notice that he would that day move that the Order be discharged.

MR. PELL said, he was in the House yesterday until the last moment, and had no opportunity whatever of giving Notice that he intended to move that the Order be discharged.

Question, put, and agreed to.

*Order discharged:—Bill withdrawn.*

*Mr. Baines*

LABOURERS COTTAGES (SCOTLAND)  
BILL—[Bill 83.]

(*Mr. Fordyce, Mr. McCemie, Mr. Barclay, Sir George Balfour, Mr. Parker.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [18th June], “That the Bill be now read a second time;” and which Amendment was, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Sir James Elphinstone.*)

Question again proposed, “That the word ‘now’ stand part of the Question.”

Debate resumed.

MR. J. LOWTHER said, that if nobody thought it his duty to rise and enter a protest against that most remarkable measure, he at least felt compelled to do so. Some discussion took place a few weeks ago upon the Bill, and there appeared then to be a general understanding that the discussion of the subject was not likely to be resumed in the present Session. An hon. and gallant Friend of his the Member for Portsmouth (*Sir James Elphinstone*)—whose absence on that occasion they all regretted, especially the cause of it—moved the rejection of the Bill, and he (*Mr. Lowther*) had certainly listened in vain to hear any argument in its favour. Clause 2 said that the tenant of a farm was to be entitled, at his own will and discretion, to erect buildings upon that farm, and in subsequent clauses it was provided that the tenant might compel the landlord at the expiration of his lease to buy the buildings. A more monstrous or outrageous proposition was never submitted to Parliament. Hon. Members might tell them that there were exceptional reasons for passing a measure of this kind for Scotland. On the other hand, they had been constantly told that, owing to the system of leases, the Scotch tenant was in a better position, and was more of a capitalist, than his fellow in England; and if that were so, there was less reason for applying legislation of this kind to Scotland than to any other part of the United Kingdom. Moreover, the difficulty of providing sufficient cottage accommodation was not exclusively felt in agricultural districts. Anybody who knew anything of the mining districts must be perfectly

well aware that that was a difficulty which had always been felt; and on an estate with which he was himself not wholly disconnected, a practice had prevailed for many years of giving the colliery lessee power under his lease to erect such cottages as might be necessary for the efficient working of the colliery, and at the expiration of the term of his lease he was to give his landlord notice of the exercise of the right of pre-emption, or restore the ground to its original condition. Now, Clause 2 would almost lead the House to believe that that was the intention of the Bill; but if such was the intention, it was entirely over-ridden by the subsequent clauses. It was a crude and ill-digested scheme, and he protested against dealing in an exceptional manner with one portion of the United Kingdom in matters of the kind, and he begged to move that the Order be discharged.

Mr. SPEAKER said, that there was an Amendment before the House—That the Bill should be read a second time that day six months—and until that Amendment was disposed of, no other Amendment could be moved.

Mr. J. LOWTHER said, the Amendment would answer his purpose equally well, and he should vote for it.

Mr. STAPLETON said, it was alleged when the Bill was last under discussion that it would prove a dead-letter; but he did not think it was open to the charge brought against it by the hon. Member for York. If it were not an effectual Bill, it was at least a very innocent one, because it threw the burden of constructing these cottages upon the tenant. It was also a very necessary measure, for the erection of labourers' cottages was actually requisite on many estates in Scotland. The whole purport of the Bill was to enable a tenant, if he had a farm on which there was not sufficient labourers' accommodation, to erect cottages; and the fact that he was a leaseholder was rather an argument in its favour, because he could not threaten to throw up the farm unless the landlord erected cottages, and he must either conduct his agricultural operations with insufficient accommodation for his labourers, or he must construct cottages himself. It was not to the common interest that a farmer should occupy a holding without sufficient houses for his labourers, and he

thought it would be unjust that the burden should be thrown entirely upon him.

Mr. WHITWELL thought it was clear that the tenant could not under the Bill erect as many cottages as he chose—he could only erect cottages where they were actually required. If there were no cottages in the immediate neighbourhood of the farm for the use of the labourers, and the landlord would not erect any, surely it could not be any very great hardship on the landlord that at the end of the lease he should be obliged to take possession of those which the tenant had erected, and which were actually needed, at their fair value.

Mr. BERESFORD HOPE said, that looking at the Bill, it seemed to him to be one to enable a speculative tenant to run up cottages, and then to let them in lodgings without any control on the part of the landlord or anybody else who had the decency and well-being of the country at heart. He supposed Scotland was like England, and anyone who knew anything of the agricultural population of England must know that the great obstacle to good and sufficient cottage accommodation was the herding of persons together in cottages against all decency. That Bill allowed the tenant to build cottages under the pretext of their convenience, but he did not see any test of convenience in its provisions, and a man might say that a cottage would be convenient, and he ran it up, and then let it in lodgings, with a total contempt of all the laws of decency or comfort, and by the Bill he might snap his fingers at the landlord. As long as he was tenant the cottage remained with him; but when he left his holding the landlord might be compelled to buy the building, and probably, the first use made of it would be to pull it down. He should vote for the Amendment of the hon. and gallant Member for Portsmouth, for the cause of whose absence every hon. Member of the House must feel the deepest sympathy.

Mr. M'LAGAN said, he regretted that the promoters of the Bill should have marred a most valuable principle with some most objectionable provisions. He quite agreed that a tenant who erected a building upon an estate should have power to remove it at the termination of his lease. He considered that a most valuable provision; but the Bill

not only allowed the tenant to remove a building, but it gave him the power to sell it to a succeeding tenant; and it gave to the latter the same rights and privileges as were enjoyed by the tenant who erected the building. What was the effect of that? It was not only the buildings that were sold, but by selling them to the succeeding tenant, the landlord was deprived of the use of the land upon which these buildings were erected. He had never heard of such a monstrous proposition as that. He did not think a temporary occupier should have such a power as would enable him to deprive a permanent owner of his own property. They had before them the sad results of such a system as that in Ireland, where, in order to put things right, they were obliged to apply these exceptional remedies. The case of Ireland, however, should act as a warning, and he trusted that the House would never consent to any Bill for Scotland which would produce the same complications as had been produced in Ireland by the Land Bill. But if he objected to that part of the Bill, he objected still more strongly to the 4th clause, by which a temporary occupier would have power invested in him of putting down a cottage on his proprietor's estate without giving the slightest warning to his proprietor, or asking his leave, or determining whether the amenity of the property would be destroyed or not. The House was asked to give the tenant full power to put down his cottage, and then, at the end of the lease, the proprietor was to be bound to pay the tenant for that cottage. He thought the House would never consent to a proposition of that kind. A great deal had been said as to the necessity for the Bill. It had been truly said by the hon. Member for East Aberdeenshire (Mr. Fordyce) in moving the second reading, that there was a want of cottage accommodation in Scotland. But what was the cause of that want? In many parts of Scotland a system had prevailed which was known as "the kitchen system," under which the agricultural labourers were lodged in the farm houses. In other parts of Scotland there was what was called the "bothy system"—that was to say, the agricultural labourers were lodged in houses devoted entirely to unmarried servants. The fact was that the kitchen system had been given up in certain districts; the bothy system

had also been given up; and unfortunately cottages were not built in sufficient numbers to meet the deficiency of accommodation which had thus been caused. But if they were to apply this principle to the agricultural districts, why not apply it also to the town districts. If hon. Members would read the statistics for last year, they would find that the want of house accommodation was far greater in the manufacturing counties in Scotland than in the agricultural counties; and if they compared the statistics of 1861 with those of 1871, they would find that the deficiency of accommodation in the agricultural counties was being diminished every year, while the deficiency of accommodation in the manufacturing counties was increasing every year. Under those circumstances, if it was reasonable for the tenant of a farm to have it in his power to erect a cottage upon his proprietor's land without asking his leave, and at the end of the lease to demand payment for the house or cottage, it was surely not less reasonable that a tenant of a house in a town who should find himself deficient of house accommodation for servants should erect these buildings, and at the end of the lease should charge his proprietor with them. He did not see any difference whatever in the two cases. He agreed with that portion of the Bill by which the tenant should have it in his power to remove the buildings he erected on his landlord's estate, and he should on that ground vote for the second reading; but he must protest at the same time against the other extraordinary powers with which it was sought to invest the tenant. But he would rather suggest to his hon. Friend the Member for East Aberdeenshire to consider whether it would not be advisable to withdraw the Bill, and introduce next year a short Bill giving the tenant more power than he had at present in regard to the erection of buildings, but free from those objectionable provisions.

THE LORD ADVOCATE: I rise immediately, Sir, after my hon. Friend, because I wish to add my entreaty to my hon. Friend the Member for East Aberdeenshire, not to press the Bill any further. He can hardly be so sanguine as to expect that it will come to anything in the course of the present Session, and the Bill is so objectionable in various and important respects, that even

those who sympathize with him—as I do—in the objects he has in view, cannot give it anything approaching to a hearty support. Upon principle I am as adverse to any legislative interference with proprietors in the management of their estates, as with any individuals in any other walk of life in the conduct of their own affairs. That no doubt, like all other general rules, is subject to exception; but I take it to be a general rule of universal application, and not subject to very many exceptions—that men are best left to the management of their own affairs, and that landed proprietors in the management of their own estates are not an exception to the general rule. I quite admit that the law of Scotland, which at this moment governs the relations of landlord and tenant, and in matters not the subject of special contract is, in some respects, in an unsatisfactory condition. Of course, the relation of landlord and tenant may be constituted by contract, and the parties making the contract which constitutes that relation between them, are at liberty, subject to the general law of the land, to make provisions equally for their respective interests. I do not understand, I may observe in passing, that my hon. Friend proposes by this measure to interfere in any way with the perfect freedom of contract between landlord and tenant. There is, however, one rule of law relating to landlords and tenants which the Bill deals with, and which, in my humble opinion, is not only unsatisfactory, but positively wrong. According to the present law, if a tenant farmer, however long his lease may be, erects buildings suitable to his wants during his tenancy, he is not at liberty at the end of his lease to remove them. He can only erect those buildings upon the condition of forfeiting them to his landlord at the end of his lease, without any compensation whatever. Now, I think that that is an erroneous rule of law, and I entirely agree with my hon. Friend the Member for Linlithgow (Mr. M'Lagan); and in so far as the Bill has for its object and purpose the amendment of this rule of law, I am prepared to give it my support. I think it is reasonable that a tenant should be at liberty to make such erections upon his holding as he finds to be necessary for his convenient use of it under his lease, and that he should be at liberty to re-

move the erections at the termination of his lease, unless he arranges with his landlord, upon terms satisfactory to himself, to allow them to remain. I think that would be a right and reasonable state of the law, in the absence of a special contract between the parties to the contrary. The provisions of the Bill do not appear to me to be satisfactory, because it proposes to amend the law in this matter by making a distinction between the holding of land and certain buildings upon the land. Now, I think my hon. Friend the Member for East Aberdeenshire and others would be prepared, upon consideration, to say that it would be inconvenient, and in the highest degree subversive of the law relating to such matters, to make a severance between the title to land and the title to buildings upon it. I think it would be productive of the greatest inconvenience when a proprietor went into the market with his property that he should have to go into the history of the buildings upon it, and show whether they are or are not included in the title to the land itself. Therefore while I fully approve of the amendment of the law in this respect, I cannot approve of the manner in which the Bill proposes to effect it. As to Clause 4, which it is impossible not to regard as the main feature of the Bill, and indeed it is described as the purpose of the Bill, “to facilitate the erection of labourers’ cottages”—certainly, for my own part, so far from blaming, I feel indebted to my hon. Friend for bringing the matter forward, because it has elicited some valuable discussion upon this subject to which the clause relates. He has shown, I think to the satisfaction even of those who are most strenuously opposed to the Bill, that the accommodation for farm labourers in many parts of Scotland is at least extremely defective. The hon. and gallant Baronet who moved the rejection of the Bill attributed that to the comparatively helpless condition in which many Scotch proprietors were put by the law of entail. He said that by that law they were cramped and hindered in dealing with their estates in the manner which would be the most beneficial not only to those dwelling upon them, and to the labourers upon them, but also to themselves. The restraints and restrictions of the law of entail, said the hon. and gallant Baronet, interfered with the

proprietors in acting as they wished to do—not merely from considerations of self-interest—though these are entirely legitimate, but from considerations of another and a higher order. Well, it is certainly very unfortunate that the proprietors of land could by such an artificial law as the law of entail be hindered from doing that which they would otherwise do in justice to their own feelings, and to their own intelligence in the beneficial management of their estates. But the remedy for that is—not to compel landlords to pay for the erection of such buildings upon the farms, this work not being done by themselves, for they leave their tenants to judge what is suitable for the accommodation of the labourers upon the holdings—the remedy for that state of things is to remove the obstructions and obstacles which the hon. and gallant Baronet referred to as the cause of the existing state of things. Surely it is more proper and more in accordance with the spirit of modern legislation to remove artificial laws which restrain proprietors in the management of their property, rather than to endeavour to overcome one evil by the creation of another. I cannot consent to any proposition such as that contained in this 4th clause, by which the management of their property would be taken out of the hands of the proprietors and placed in the hands of the merely temporary possessors of the land. I may here also remark that no provision as to the endurance of the lease—whether for life or for terms of years—is contained in the Bill, nor does it even prohibit the erection of these buildings in the very last year of the tenancy. I do not wish to use such language as “crude” or “ill-digested;” but my hon. Friend the Member for East Aberdeenshire, is here dealing with a very large subject, and one upon which it will be very difficult to legislate. That difficulty presents itself upon this matter in a very marked manner. The common experience in legislation upon almost any subject is that it is not a very difficult thing to do the thing you are aiming at, but the difficulty is to do that and no more. In dealing with this my hon. Friend has done a great deal more than he intended. I hope he will be satisfied with the discussion which the introduction of this measure has led to, and which I cannot consider as otherwise than extremely beneficial, and

likely to promote the object he has in view in a safer manner than is done by the Bill, and I hope he will not put his Friends to the difficulty of considering whether the balance of advantage would be to support or oppose the second reading.

SIR FREDERICK W. HEYGATE said, he would not have troubled the House but that the case of Ireland had been referred to, and Irish legislation had been quoted as a reason for the Bill. There was, however, a great difference between the cases of Ireland and Scotland. He did not believe that Scotch proprietors and tenants would wish to compare their position with the state of things which unfortunately prevailed in a great part of Ireland. Even in the case of Ireland there had never been a proposal made to force proprietors to purchase houses to the erection of which they had not given their assent. For his part he could not but regard any interference with freedom of contract as an unmitigated evil. He called attention to the fact that in Scotland there was freedom of contract, and the tenants had leases, while in Ireland most of the tenancies were yearly ones. He could not believe that when a Scotch farmer made a bargain for a 19 years’ lease he did not consider whether there were sufficient buildings upon the farm for the labourers’ accommodation. He could not conceive that the Scotch farmers would so totally neglect their own interests. He was glad to hear what the Lord Advocate had said on the subject; but he found it difficult to reconcile his speech that day with some of the votes the right hon. and learned Lord had given on the Irish Land Bill.

MR. WHALLEY said, he had never seen a Bill which was more carefully and ably drawn than the present measure. He therefore hoped that, as its principle had been fully recognized, his hon. Friend would, at all events, take a division on the second reading. He and other landlords in Wales had introduced clauses into their leases, securing to the tenants compensation for improvements made with the assent of the proprietors. If cottages for labourers were erected by the tenant with such consent, and it was necessary to take them at the expiration of the tenancy, power might be given to charge the price upon the inheritance. That was in effect what the Bill would

do for the tenant-farmers of Scotland, the restriction being that the buildings to be erected should be necessary.

Mr. CLARE READ said, that in his opinion, this was a subject of great and increasing importance. The landlords of this country had been considerate to their tenants by providing suitable farm buildings; but it had never occurred to them, as a general rule, that cottages were as essential to the cultivation of a farm as were the farm buildings themselves. He could perfectly well believe that there were many farmers who had long leases, who could not at the present day obtain a competent supply of labour in consequence of the inadequate cottage accommodation at their command. He therefore thanked the hon. Member who had introduced the Bill, for directing attention to that which was an increasing evil—although he admitted that a great number of cottages were being erected where they were most required. The right hon. and learned Lord Advocate had put forward with great force all that could be said in favour of freedom of contract; but in order to really have freedom of contract the law supposed the two contracting parties were upon an equality. In this case there was a total difference between the two parties in the provisions of the law. The law not only secured the landlord every sixpence of his property, but it enabled him to confiscate his tenants' improvements and eat him up with game without any compensation. It could be truly said that the landlord was clad in mail and armed with the sword of the State, while the tenant had his hands tied behind him, or at most was furnished with an oak stick in the shape of a one-sided lease or agreement, and then they were told they were quite free to settle their differences. The law gave the landed proprietor all the protection of his rights, but did not enforce any one of his duties. There was the law of distress and all sorts of laws for the special protection of landlords, and none or next to none for the protection of the tenant. The hon. Member for the University of Cambridge (Mr. Beresford Hope) had used an argument of an astounding nature, when he said that the Bill would create over-crowding. He should have thought that by increasing cottage accommodation they would have prevented over-

crowding. Labour was now so scarce that men would not walk two or three miles to work as they would formerly do. It was therefore necessary that house accommodation should be provided near the scene of their labour, and any effort to accomplish this object ought to have the serious consideration of Parliament. He should therefore vote for the second reading of the Bill, although he might take exception in Committee to the clause, which said that the landlord should be bound to pay for the buildings whether he liked them or not. He thought it but reasonable that if the landlord declined at the end of a tenancy to purchase the buildings erected by the out-going tenant, the tenant should be at liberty to sell them to his successor, and he was clearly of opinion that it would be but just, if the tenant could not dispose of them, he should have full power to remove the buildings and leave the land clear as he had found it. In the Bill which he was unfortunately obliged to withdraw a fortnight ago, larger provisions were introduced with respect to these matters, but he heartily supported this measure as a step in the right direction.

Mr. PELL said, he did not think there was any probability of the Bill becoming law during the present Session. In reference to the question generally, the principal provisions of the Bill were contained in the clause which enabled the agricultural tenant to erect, with or without the consent of the landlord, a certain number of houses on the farm in proportion to the quantity of arable land that might be thereon, and at the end of his tenancy to claim for the value of those buildings. One objection to this was that it would interfere with house-building speculators conducting their operations, and it was also open to many other objections. He understood that the intention was to provide a suitable number of labourers on the spot for the cultivation of the soil; but the House must be careful, in legislating in that direction, that the labourer on the land should have some security for the tenure of the houses when built. Why should not power be equally given to the labourer himself to build? At present the responsibility of building houses rested with the landowner, and that Bill proposed to divide the responsibility between the landowner and the tenant;

but suppose neither of them fulfilled that obligation, where would the labourer then be? It would be a great mistake in any legislation on the subject to divide that responsibility solely between the tenant of the farm and the owner of the soil. In such a Bill as this provision ought to be made to enable the labourer to build if he chose, and to give him some permanency of tenure. Public opinion called for the building of proper habitations for the working classes—especially for the agricultural labourers. He was himself owner of some cottages, many of which, he was sorry to say, were empty, the tenants having left them in order to procure more profitable employment in another part of the country. He should vote against the second reading of the Bill, because he did not think it either prudent or wise to attempt by legislation to do that under statutory provisions, which it was much better to leave to be determined by the requirements of the case, and which varied from time to time according to the peculiar circumstances of and the demand for employment.

MR. WHEELHOUSE strongly objected to the principle of the Bill, which might produce even alienation for ever without the consent of the owner of the land. If the measure became law, a man would be enabled to create what in England would be termed a fee within a fee by putting a house on another person's land so as to form a perpetual incumbrance. Although the Bill only applied to Scotland it would commit just the same injustice as it would in England, and to any perpetual incumbrance, especially on another man's land, without his consent, moreover, he was opposed, and for that reason he should vote against the second reading; although he was willing to concede the right that when a tenant erected buildings upon the land with the consent of the landowner, if the landowner were unwilling to allow such tenant the value of such houses, the latter might have a right to take them down.

MR. C. S. PARKER said, the hon. and learned Member for Leeds (Mr. Wheelhouse) had exercised his legal ingenuity in attempting to show that the Bill would saddle estates with encumbrances without the consent of the owner. He (Mr. Parker) did not assume to speak with any professional

knowledge; but he was very much mistaken if the language of the Bill gave any title to the ground on which the buildings were erected. Certainly if it did, such was not the intention of the promoters of the Bill, and the words could easily be altered in Committee. The real position was this—that the property in the building was to vest in the tenant who erected or who purchased it, and the property in the soil was to remain with the landlord, who also would have the right of pre-emption, and the right to have the surface of the ground restored at the end of the lease. The measure did not interfere with the ordinary contract between landlord and tenant, but provided that in the event of no understanding having been come to between the landlord and the tenant in regard to farm buildings to be erected, the tenant should be entitled to claim the right of removing them or of selling them to a succeeding tenant. The Bill was not to compel but simply to facilitate the erection of cottages. The Preamble of the Bill well set forth the real objects it had in view. The first proposition of the Preamble was a matter of fact—namely, that by the law of Scotland it was presumed that buildings belonged to the person on whose land they were situate; and the second proposition was that this presumption should cease for the future, and that where there was no bargain to the contrary the property in the buildings should remain with the tenant. He thought there had been on both sides some exaggeration of the importance of the provisions relating to cottages. He did not think the Bill would do very much for the erection of cottages, and he was quite sure cottages would not be run up as matters of speculation. The capital of tenant-farmers found plenty of employment in the operations of agriculture, and they would never dream of putting up cottages unless they were really required. There was no doubt great inconvenience existed in consequence of the want of sufficient cottage accommodation. The country districts of Scotland were becoming depopulated. During the ten years of the last Census, the population of the county which he represented had decreased by 5,000—the labourers had gone to the large towns of Glasgow and Dundee, where they could find accommodation and

better wages. The question, therefore, was whether it was not worthy of the attention of every person interested in agriculture to give facilities for labourers to remain on the land. He thought the 4th clause might be so modified in Committee as to have all its objectionable features removed. He especially approved of that part of the Bill which gave power to limited owners to provide the necessary cottages on the estate. He hoped the second reading would be agreed to.

MR. ORR EWING said, the hon. Member who had just addressed them had said that the counties of Scotland were rapidly becoming depopulated, and that in his own county the population had decreased 5,000 since the last Census—and this the hon. Member had attributed to the want of cottage accommodation. He could assure the hon. Member that that was an entire mistake.

MR. C. S. PARKER explained that what he intended to say—and believed he had said—was that the growth of the large towns had caused labourers to leave the agricultural districts, and that such being the tendency, it was worth the while of those interested in agriculture to see that cottages were built, in order that the labourers might have more inducement to remain.

MR. ORR EWING said, they might build palaces for them if they liked; but that would not induce them to remain so long as the wages they could get in the towns were higher than those they were paid in the country. During the last 10 or 15 years he had laid out £80,000 in building houses for his workmen, and until late years he never had any trouble to get labourers of all kinds—in fact, he generally had a redundancy of labour—and there was always a great demand for houses, especially his own, which were of a superior kind; but he could assure the hon. Member that notwithstanding the men were earning very good wages, some of his houses were empty, and one part of his business was diminished and crippled entirely for the want of labour. So long, therefore, as there was one branch of trade extremely profitable they might build as many agricultural cottages as they liked, but they would not get people to occupy them. He had often told the agricultural labourers that they had better remain in the country districts, where there

was little disease and plenty of fresh air. He had told them that it was short-sighted policy to run away from a healthy, cheerful, and joyful district for the temporary increased pay of the large towns. They would not do that, however, and they must accept things as they were. This was a free country, and he should be sorry to see that freedom interfered with. He was at a loss, however, to understand how anyone could support the Bill who wished to maintain freedom of contract. They had had a statement from the hon. Member for South Norfolk (Mr. Clare Read), which went beyond that of the hon. Member for Perth, who had an opportunity this day of delivering an eloquent speech, which was prepared for another occasion when he had intended to bring before the House the question of freedom of contract. According to his argument, the tenant was a poor, naked, defenceless body, utterly unable to withstand his landlord, because he was armed with all the power of the sword. Did the hon. Member really wish to persuade the House that the tenant-farmers were that poor, defenceless, unprotected class that they required special and exceptional legislation? And he put it to him, whether he would support such a Bill as this if it were to be extended to towns and cities? If the hon. Member's (Mr. Clare Read's) description of the tenant-farmers of England was a true one, he (Mr. Orr Ewing) could assure him it was not applicable to the tenant-farmers of Scotland. There was no more sturdy and independent class of people than the tenant-farmers had always shown themselves to be, and the course of events had a tendency to make them still more so. He did not know any landlord who, in dealing with his own tenantry, would not prefer the principle of private arrangement, or who would not say that this Bill would be totally useless. It might answer some hon. Member's purpose to pretend to be a great friend to the farmer; but, so far as the Bill was concerned, he must oppose it as being worthless and while doing so, he claimed for himself the title of as sincere a friend to the farmer as its most enthusiastic supporter. He was most anxious to do everything in his power to promote the interest of the tenant-farmers in Scotland; but he would not pretend to do so by supporting a Bill which he believed

would produce endless confusion and strife.

MR. GREENE regarded that as one of the crudest Bills he had ever seen submitted to Parliament, and one more likely to do harm than good. If a tenant had a piece of land opposite his landlord's mansion and did not happen to be on very good terms with him, he could build a row of cottages upon it. He concurred with the views of the previous speakers in thinking that an attempt to interfere with the freedom of contract between the landlord and his tenant, and he protested against it. It was a measure more likely to emanate from a Parliament of women than of "grave and reverend seigniors." He strongly objected to the great waste of Parliamentary time by the introduction of Bills of the sort, which could never come to fruition, although they kept the House frequently up to an advanced hour of the early morning. His health had suffered considerably by those post-midnight sittings, and he was determined if he had an opportunity next Session, to introduce a Bill to oblige them all to go home to their beds at 11 o'clock at night. He hoped that no more time would be wasted over the Bill, and that it would be thrown out by a large majority.

MR. MUNTZ said, he had listened with great pleasure to the promise of the hon. Member to bring in a Bill to put a stop to 2 and 4 o'clock sittings, and to send everyone home at 11 o'clock, and would promise to support such a measure. He was also sure hon. Members of that House generally, and especially the right hon. Gentleman the Secretary of State for the Home Department, would be grateful to him for doing so. As regarded the Bill, he believed it was a step in the right direction to improve the condition of tenants, and it should have his support when amended in Committee, and although he considered it an impracticable one in its present shape, yet he was very glad that attention had been called to the subject, believing as he did that there was great need for improvement as regarded the present condition of labourers' cottages. From the introduction of machinery, and one cause and another, our agricultural population was gradually deteriorating, which was a great misfortune to the country. It was of the

greatest importance upon that and upon every ground that their condition both as to house accommodation and otherwise should be improved.

MR. GOLDNEY said, that the Bill gave a tenant power against his landlord to erect any sort of structure or fence which he might consider necessary. There was to be no limit to the number of cottages he might put up, although the Bill placed some limitation on the number to be paid for. A tenant, therefore, might erect a number of hovels for a temporary purpose. He was not bound to keep them in repair; and the landlord, who had no power to do any repairs during the tenancy, would have all the discredit. He believed the House would violate both justice and common sense in reading the Bill a second time, for its principle was utterly at variance with the rights of property. Besides that, there was no necessity for it, and even if there was its operation would, he believed, prove detrimental not only to the landlord, but also to the tenant and agricultural labourers themselves.

MR. M'LAREN said, he thought that England had been somewhat too largely imported into the discussion of this Bill for Scotland. The circumstances of England and Scotland, however, were so different that arguments drawn from the experience of English Members did not apply to the Bill. That was a question between the land-owner and the tenant not of every farm, but of every farm where there was not one cottage to every 100 acres of land. This Bill did not propose to apply any provision to those farms which had one cottage to every 100 acres of land; and he would remind the hon. Member opposite (Mr. J. Lowther) that the tenant could not claim the whole expenditure upon any buildings, as he had stated, at the expiration of the lease, but only what they were worth. But that must be done by agreement—his hon. Friend had made a great mistake when he said that the landlord must take the buildings. There was no obligation on the landlord to do so at all. All that the landlord was entitled to require was that the tenant should take away the materials of which they had been formed; and was that an unreasonable proposition? He thought not. But if the landlord said—"I should like to have these things," the Bill provided

that a valuer might be appointed to say what they were worth, and at that valuation the landlord might take them. He must confess that upon looking over its provisions the Bill appeared to be one of the most equitable that had ever been introduced into the House. He supported it because, instead of asking the Chancellor of the Exchequer to put his hands into the public purse, it provided that better accommodation for the labourers should be provided by those whose undoubted duty it was to do so. At the present moment our labourers lived a very inferior sort of barrack life in villages, and indeed were much worse off in their domestic arrangements than soldiers. No one who was acquainted with Scotland but must know that in the agricultural districts of Scotland there were hundreds of cottages of the most miserable description, and in many instances there was not a cottage to be found on a thousand acres of land; and in his opinion it was high time that something should be done in the way of improvement on those grounds. He cordially supported the Bill.

MR. FORDYCE said, he did not intend to reply in detail to the various criticisms which had been made on the Bill. He was led, however, to say that it was impossible for him to agree to the advice of the Lord Advocate and of his hon. Friend the Member for Linlithgow (Mr. M'Lagan) to withdraw it. It had been called a crude Bill; but it had been well considered in Scotland, and the Agricultural Societies, which represented the tenant-farmers of Scotland, were unanimously in its favour, and the Chamber of Agriculture, of which the hon. Member for Linlithgow was a member, had petitioned to that effect. If anyone thought the measure an extreme one, which he denied, let him remember that it was intended to meet an extreme grievance—the frightful over-crowding and want of accommodation for agricultural labourers—shown by the fact that one-third of the families of Scotland lived in houses of one room with one window or with none. Let him recall to the House the exact provisions of the Bill. By the law of Scotland all buildings erected by the tenant belonged to the landlord in the absence of specific agreement to the contrary. The fundamental proposition of this Bill was an alteration of that presumption of law in

favour of the tenant. It divided buildings into two classes, and the provisions in reference to each of these were somewhat different. In regard to buildings other than labourers' cottages, the provision was, that at the end of the lease he was entitled to remove the materials, or sell them to the incoming tenant or the landlord. In regard to cottages, the provision was, that where these did not exist to the extent of one for every 100 arable acres, and the tenant supplied the deficiency, he was to be entitled to recompense to the extent of £100 for each such cottage, provided first the Sheriff found it worth that amount, that it had three rooms and 3,000 feet of cubic contents. Could anything be more reasonable than that? In conclusion, he would mention that an hon. Member (Sir Frederick Heygate) had referred to Ireland; but what was the state of the case there? Why, what did the Blue Book which had just been circulated on the subject prove? The Poor Law Inspectors of districts in Ireland had been invited to give their opinions as to the improvement of agricultural labourers' cottages, and three-fourths of their number recommended the principle of the Bill—namely, that occupiers of land should enjoy facilities of building irrespective of the will of the landlord.

Question put.

The House divided:—Ayes 74; Noes 78. Majority 4.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

**MUNICIPAL ELECTIONS (CUMULATIVE VOTE) BILL—[BILL 208.]**  
*(Mr. Collins, Mr. Morrison.)*  
 SECOND READING.

Order for Second Reading, read.

MR. COLLINS, in moving that the Bill be now read the second time, said, he had to express his great regret that the subject should have to come before the House at a late hour on a Wednesday afternoon. He would endeavour, however, to explain as briefly as he could the object of the provision of the Bill, which was to apply the principle of the cumulative vote to the election of aldermen by town councils. It was no new principle, for already Parliament

had sanctioned it as regarded school board elections; in the English Act, unanimously on the Motion of the noble Lord who represented the North West Riding (Lord Frederick Cavendish), and in the Scotch Act, after a full discussion of the subject, on the Motion of the hon. Member for Lanarkshire (Sir Edward Colebrooke) also a ministerialist, by 162 to 36, and the question was not at all one of a party character. The present Parliament had therefore decidedly approved of the cumulative vote. Admitting that the mode of representing minorities in Parliamentary Elections might be open to objection on account of its partial operation, he considered that the local representation of a town or borough should afford a correct picture of the several interests represented; but in respect to the election of the aldermen that was not at present the case, for they, instead of being elected by the municipal electors themselves, were selected by the town councillors out of their own body. It was in consequence of that, that whenever there was a political question, or even such a question as that of providing gas or water-works for the town, great agitation took place with the view of disturbing the balance of public opinion by the election of aldermen who would throw the majority of the council into a minority. It was another subject to be deeply regretted, that those municipal institutions, which had been originally established for the administration of local affairs, had degenerated into political organizations of the most violent character. This was the case in Liverpool, in Bristol, and in Leeds, and the wide-spread nature of the evil had been abundantly shown by the evidence taken before the Select Committee of 1869. A great deal had been said about the reform of our municipal corporations; but it was only justice to the unreformed Corporation of the City of London to say that, so far as he knew, it was the only municipal body in the kingdom the elections to which took place more out of regard to local affairs than to party politics. As an example of the way in which the Aldermanic Bench was monopolized by the party of the majority, he would refer to the fact, that at the last municipal election for Leeds, though one-third of the council was Conservative, the whole of the eight aldermen appointed were

Liberals. He maintained it was unfair to give a majority in the town council the power to swamp a considerable minority by electing aldermen in all cases agreeing with their own views, and hoped that if the re-action in progress there resulted in a Conservative majority, they would not exercise their power in the same tyrannical and exclusive spirit. The theory of the Municipal Act, that the best men, irrespective of party, would be elected aldermen, not having been realized, he would urge that his proposal was the most available remedy, and with that view, he would give as a testimony the opinion of the late Mr. Mill, on the superiority of the cumulative over the limited vote, as being more popular and giving the most faithful expression of the wishes of the electors. It might not be possible to apply the cumulative vote to the election of all members of the council, because the larger towns were divided into wards; but the aldermen represented the whole of the town, and might without difficulty be chosen by the cumulative vote. No doubt, it would be said that nobody wanted the Bill. He held that that was a most unsound objection, because it was unreasonable to suppose that a dominant majority should endeavour to curtail their own power; and besides Parliament had dealt with the old municipal corporations, the Universities, and endowed schools, without expecting those bodies to ask for their own reform. He wished the measure could have been brought forward earlier in the Session, but that was impracticable; and in commending it to the justice, moderation, and fairness of the House, he hoped that it would not be overborne by mere brute voting power, and that some defence of the existing system would be offered by its opponents. Believing that the Bill would remedy a glaring injustice, he begged to move its second reading.

Motion made, and Question proposed,  
“That the Bill be now read a second  
time.”—(Mr. Collins.)

MR. HARDCASTLE said, he had been curious to know why the hon. Gentleman opposite took so great an interest in the cumulative system of voting, and from his speech he discovered that as the present constitution of the Corporation of Leeds did not satisfy him he

desired to alter it by introducing the cumulative system. The Preamble of the Bill was founded on the erroneous assumption that aldermen were representatives of the town council, whereas they were chosen by their fellow town councillors, and their duty was to act at elections in the absence of the mayor. It also assumed that aldermen had the power of meeting to consult about the interests of the borough in a separate chamber, whereas that was the case in London only. The object of the cumulative vote was to enable a minority to send a representative of their opinions into some representative body, and it did not apply to the case of the election of aldermen. He might observe that the cumulative system did not work well in small constituencies. It either enormously strengthened a minority, so as to make it practically a majority; or, if the votes were well divided, several of the candidates had an equal number of votes, and a fresh election was rendered necessary. He had not heard of any Petition for a change in the present system, nor of any complaint out-of-doors as to the mode in which they exercised their functions. Moreover, instead of seeking to introduce the thin end of the wedge by such an infinitesimally small application of the cumulative vote, why did not the hon. Member for Boston at once boldly propose to apply that principle to the election of town councillors and also of Members of Parliament, and not to that of aldermen only? Believing that the Bill, if passed, would produce greater evils than they had at present, he begged to move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(Mr. Hardcastle.)

Question proposed, "That the word 'now' stand part of the Question."

MR. MORRISON in supporting the Bill said, he should be glad to see cumulative voting extended to the election of town councillors generally; but if the friends of that principle wished to legislate in that House, especially at that period of the Session, it was necessary to confine their efforts to a moderate and modest measure. He did not think the Bill would necessitate second elections, because where two candidates

had an equal number of votes the mayor's casting vote would obviate that difficulty. The aldermen of the City of London were elected not by the common councillors, but by the citizens generally—a much better system than that which prevailed in other parts of the country. As to the fear that a disciplined and intelligent minority might carry most of the seats on the aldermanic bench, if the majority should run candidates for all the vacancies, he had a much better opinion of the good sense of the majority than to think they were likely to fall into so stupid a mistake. In the case of such a small body as a town council it would always be easy to ascertain how the voting would go before the actual election occurred, and thus to find out how many candidates could be safely nominated. The object of the cumulative vote was not merely to obtain a fair system of voting, or a supply of speakers, but to make the representative body as fairly representative of different opinions and interests as possible, but where the election took the co-optative form, the representation of one side only surely could not be called a fair reflex of the constituency. In a town council they required, not great genius, but chiefly honesty, intelligence, and business experience. He found, however, that complaints were made everywhere, and even by town councillors themselves, that town councils were not as good as they used to be, and that it was a growing custom to make those institutions more and more instruments for the aggrandizement of political parties, instead of bodies for managing with proper skill and care the local affairs of a town. In the United States of America, where almost every evil of our representative system existed in an exaggerated measure, opinion was growing rapidly in favour of the cumulative vote for electing administrative bodies and various public officers. That principle was largely applied in Illinois and Pennsylvania, and many of the other States of the Union were advancing in the same direction. In forming our municipal corporations, it was thought that by a secondary election a better class of men would be obtained; but all experience showed that expedient was a failure. Town councillors had become mere delegates, instead of representatives, and their election was

always arranged by a preliminary "Caucus." He admitted that that was a very small Bill. He advocated it only for the sake of the principle it involved; and he hoped if the measure were brought in again, that principle would be applied to the election of town councillors as well as of aldermen.

MR. LOCKE said, he must object to the second reading of the Bill, as he was opposed to the new-fangled method of election by the cumulative vote. When the Municipal Reform Act was introduced, Lord Lyndhurst proposed that aldermen should not be elected by the voters in the different wards, but by the town council itself. That was a bad principle, and he for one had always objected to it. He had proposed in the analogous case of the Metropolitan Board of Works, that the members of that Board should be elected directly by the ratepayers, and not indirectly through the medium of the different vestries. Modern inventions in politics, at all events in regard to elections, did not answer. The old system carried on the City of London from time immemorial, under which the aldermen as well as the common councillors were elected by the different wards, had answered. It was a system to which no objection had been taken, which could be clearly understood and by which the representation of the people could be secured; but by their new-fangled principles Heaven only knew who would be represented, or what would be the result. The cumulative vote would only introduce perplexity and confusion. It could not be right. It was impossible to say why it could not be right, and equally impossible for anybody to prove that it was right. He had never been able to understand the arguments urged in its favour, and he was sure that those who urged them were as much in the dark as he was. The hon. Member for Boston (Mr. Collins), who had given them a lecture about Yorkshire, with which no man was so well acquainted, should ask the people of that county whether they would not prefer the old principle so long carried out in the City of London to the new-fangled scheme contained in his Bill.

MR. BAINES said, he had not intended to speak on the Bill, partly because the subject had excited very little public attention, and partly because he

feared that he differed from a majority of his constituents with regard to it. But as his hon. Friend the Member for Boston (Mr. Collins) had so largely introduced into his speech the borough which he (Mr. Baines) had the honour to represent, he was sure the House would indulge him with permission to make a brief reply. His hon. Friend had stated that since the Municipal Reform Bill the Corporation of Leeds had elected all the aldermen from the Liberal party. That was true, and he regretted it; but he would inform the House how it came about. The fact was that the old close Tory corporation, which had governed the town for ages, had never admitted into its ranks a single Liberal; and when a representative corporation was elected, and the Liberals obtained the ascendancy, they resented their previous exclusions. But there was another reason which had exasperated the Liberals still more strongly. When the Tory party were unseated from their seats by the Municipal Corporations Reform Act, they determined to alienate the whole of the property of the corporation for the purpose of weakening their successors. They did so alienate it, and there was an action at law then pending on the part of the new corporation to recover the funds which had been alienated by the old. That had a powerful influence on public feeling, which still prevailed. Another reason tended to perpetuate the feeling which had been referred to by the hon. Member for Boston. When he (Mr. Baines) argued with some of his own friends, that it would be more just and expedient for the public interests that some of the best men of both parties should be admitted to the bench of aldermen, and that the municipal elections should not be conducted with a mere reference to political party, the answer was—"We have two well-known parties, Liberal and Conservative. They have election committees and organizations, and they would not consent to set up a new organization for the election of the municipal council, and therefore we must go on in the old grooves, and work by means of the old organization." He was sorry to say that the same argument was to be met with everywhere. In Boston—his hon. Friend's borough—every alderman was a Tory; and in Liverpool all the aldermen were Conservative, and they would not ap-

point a mayor who was not of the same party. The fact was, that the same thing prevailed over the whole kingdom. He believed that the local bodies were, notwithstanding, doing their best for the management of their property and the improvement of their respective towns; and he must say that, on behalf of his own constituents, that he believed there was no corporation in the kingdom more desirous of promoting public improvements, whether with respect to the streets, the sewers, with respect to the gas or water, or in improving public buildings and institutions, than the Corporation of Leeds; and he did not think that there was any town which had been more distinguished by its advancement in recent times than Leeds had been under the corporation which his hon. Friend had thought fit to denounce. He was well aware that it would be stated that all the salaried officers employed by municipal corporations were of one party; but as far as Leeds was concerned he was prepared to contradict it, for he knew, and could give the names, if it were desirable to do so, of several of the highest paid officers of the Corporation of Leeds who were of the opposite politics to the majority of the town council. Still he must say, from his own conviction, that it would be better and more fair, and, on the whole, for the greater advantage of both parties, and the whole community, that the plan for electing aldermen, sketched out by the hon. Member for Boston, should be adopted. The aldermen were all elected by a majority of the town council, whatever might be its political colour. This was not the case with the town councillors, as they were elected by the different wards, and, being so elected, represented many different opinions and principles. His hon. Friend, with whom no doubt the wish was father to the thought, expected that his own party would soon get into power again; but if they did, he (Mr. Baines) was convinced that they would act on the same principles on which they had acted for ages. Still, he believed that the election of the best men of both parties to the office of aldermen would everywhere prove the most beneficial, and must, therefore, give his vote in favour of the Bill.

MR. WHEELHOUSE rested the question on a much wider basis than the case of any particular borough, and ap-

prehended that any process which tended to swamp the votes of the ratepayers in a municipality must be an unconditional, indeed, an unqualified evil. In nearly every borough in the North of England these elections were matters of political feeling; but he believed that if the cumulative principle were carried out, it would be found that many gentlemen occupying the aldermanic bench would find themselves so no longer. The exclusive principle had been carried out in Leeds ever since the passing of the Municipal Act, without paying any attention to the feelings and wishes of the ratepayers, and he maintained that the party whom he represented in Leeds were not responsible for the existing system which prevailed in that borough. If it was bad in the old corporation to be exclusive—that was purely the old argument that two blacks would not make a white—and surely there was no reason for the new corporation to follow a bad example. He thought the town council should be wholly elective, for he had never seen the advantage of the Municipal Act over the old system, and the City of London had acted wisely in adhering to its ancient practice. During the last 20 years he had heard continual complaints on the part of the electors against being swamped by the aldermen, who said that it was quite useless to make any attempt to remedy the evil with which they had to contend as things now stood and were conducted. The fact was, that people were selected for office not because of their fitness, but from political considerations. That being so, he should be glad to see a return to the good old system which prevailed in London at the present moment, where the best man was chosen, whether he happened to be Whig or Tory.

MR. CARTER said, he must strongly deny that the aldermen of Leeds were elected entirely on account of their political opinions, and in order to show that the corporation were not governed by political motives, begged to state that the town clerk was a Conservative, and that the surveyor for the borough, who was more lately appointed, was one likewise. Besides, those several other officers of the corporation held the same political opinions. He had a long experience as a member of the corporation, and could assert that the best men were appointed to seats in the council, irrespective of

their political views, and the same rule applied to the official appointments. In fact, the question was never raised as to the political opinions of candidates for appointments. The hon. Member (Mr. Wheelhouse) had been elected to the Corporation of Leeds, but he had quarrelled with the committee to which he was appointed, and his constituency consequently quarrelled with him. Hence, his complaint of the corporation as it existed at present. He had originally opposed the principle of the Bill, because he thought it would not work well; but from what he had seen, however, of the state of feeling in his own borough, he felt satisfied that if the principle of the Bill were adopted, it would, when prejudices were overcome, be likely to produce a beneficial result. Looking at it in that point of view, he should vote for the second reading.

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow.

#### WILD ANIMALS (SCOTLAND) BILL.

On Motion of Mr. JAMES BARCLAY, Bill to amend the Law relating to Wild Animals in Scotland, ordered to be brought in by Mr. JAMES BARCLAY, Mr. FORDYCE, and Mr. TREVELYAN. Bill presented, and read the first time. [Bill 243.]

House adjourned at five minutes  
before Six o'clock.

#### HOUSE OF LORDS,

*Thursday, 17th July, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Salmon Fisheries\* (215); Exchequer Bonds (£1,600,000)\* (222); Treasury Chest Fund\* (217); Turnpike Acts Continuance, &c.\* (223); Military Manoeuvres\* (216); Medical Act Amendment (University of London)\* (214); Revising Barristers\* (218).

*Second Reading*—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3)\* (166); Highland Schools (Scotland)\* (205).

*Committee*—Elementary Education Provisional Order Confirmation (No. 1) (167); Court of Queen's Bench (Ireland) (Grand Juries)\* (184-224).

*Committee*—Report—Blackwater Bridge\* (197); Public Works Loan Commissioners (School and Sanitary Loans)\* (193).

*Third Reading*—Law Agents (Scotland)\* (213); Public Schools (Eton College Property)\* (204), and passed.

*Mr. Carter*

#### ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (No. 1). BILL—(No. 167.) (The Lord President)

Order of the Day for the House to be put into Committee, read.

THE MARQUESS OF SALISBURY said, that his noble Friend (Earl Beauchamp), who had a Notice on the Paper to draw attention to the evidence taken before the Select Committee to which the Bill had been referred, and to move an Amendment was prevented by illness from being present that evening. The Amendment was an important one, to the effect that the compulsory powers which the Bill proposed to give the London School Board should not be allowed to be exercised till next year, so that the ratepayers might in the meantime, when the elections to the school board came on, have an opportunity of expressing an opinion respecting it. His noble Friend had requested him to state that he would move his Amendment on the next stage of the Bill.

THE DUKE OF CLEVELAND said, it was of great importance that the Bill should pass, and that its next stage should be at the earliest possible period.

THE MARQUESS OF RIPON regretted both the cause of the absence of the noble Earl (Earl Beauchamp) and the necessity of postponing the discussion to which the Amendment would probably give rise, more particularly as he knew many noble Lords had come down to the House specially that evening in expectation that this particular matter would be under consideration. He agreed that it was really of great importance that the next stage of the Bill should be taken as early as possible, and would therefore suggest that the Report be fixed for Tuesday.

House in Committee accordingly. Amendments made; the Report thereof received on *Tuesday* next.

House adjourned at half past Five o'clock, till To-morrow,  
Eleven o'clock.

HOUSE OF COMMONS,  
Thursday, 17th July, 1873.

**MINUTES.]** — PUBLIC BILLS — *Resolution in Committee* — Ordered — First Reading — Licensing Law Amendment (Scotland) \* [247].  
*Ordered* — Representative Councils in Counties (Ireland).  
*Ordered* — First Reading — Rating Liability (Ireland) \* [246].  
*First Reading* — Colonial Church \* [248]; Slave Trade (Consolidation) \* [249]; Local Government Provisional Orders (No. 6) \* [244].  
*Second Reading* — Extradition Act (1870) Amendment \* [220]; Penalties (Ireland) \* [239]; Railway Regulation \* [232].  
*Second Reading* — Committee — Report — Elementary Education Act (1870) Amendment, &c. [188-245].  
*Committee* — Juries [35] — R.P.  
*Committee* — Report — Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* [229].  
*Third Reading* — Intestates Widows and Children \* [214], and passed.  
*Withdrawn* — Union Rating (Ireland) \* [23].

ROYAL ACADEMY — THE GIBSON BEQUEST.—QUESTION.

MR. C. S. PARKER asked the First Commissioner of Works, If he can explain what prevents the President and Members of the Royal Academy from giving access at Burlington House to the works of sculpture and models of the late John Gibson, R.A., bequeathed to them by him seven years ago, together with a legacy of more than £40,000 to provide a Gallery for them; and when it is likely that they will be exhibited to the public, in accordance with the intention of the donor?

MR. AYRTON, in reply, said, that it was perfectly true that seven years had elapsed since the death of Mr. Gibson, R.A., and since his bequest of his works of sculpture and models to the public; but no blame whatever attached to the Royal Academy for their not being yet in a position to exhibit them in a Gallery specially devoted to the purpose, because the Royal Academy, several years ago, entered into arrangements with the Office of Works, by which they were to construct a Gallery at Burlington House as soon as they were put in possession of the building. It was at that time occupied by several learned Societies. The Royal Academy, however, instead of waiting for that event, had, at considerable expense, carried on the construction of a Gallery — though it had

not yet been completed. They would not, in fact be able to complete the Gallery until they had been put into entire possession of the building, as it would be necessary that they should construct a staircase in the building to reach the Gallery, and they would not be put into entire possession until the learned Societies had transferred themselves to their new apartments. This, he believed, would happen in September next, and six months would be required to make the necessary arrangements, so that the Royal Academy would be able to exhibit the sculpture and models when they opened their exhibition in May next. They had, however, in the meantime, shown some of the works of art.

THE ADMINISTRATIVE DEPARTMENTS  
— COURTS OF JUSTICE.

QUESTION.

MR. RATHBONE asked the First Lord of the Treasury, Whether steps have been taken to appoint a Commission of Inquiry into the Administrative Departments of the Courts of Justice, as recommended by the Committee on Civil Service Expenditure; or, if not, if the Government will take such steps?

MR. GLADSTONE: Yes, Sir, we have given immediate attention to the Report and recommendations of that Committee, which we cordially approve. Arrangements are in progress to carry them out, and we desire to complete them as soon as possible.

INDIA — REGULATIONS FOR EUROPEAN OFFICERS—PRIZE.—QUESTION.

MR. VANCE (for Colonel STUART KNOX), asked the Under Secretary of State for India, Whether his attention was called in the year 1870 to the statement at page 608 of the revised edition of the "Regulations for European Officers" issued "by authority," which sets forth that under the Act 3 and 4 Vic. c. 65, s. 22, "the final decision in all disputed questions of prize now rests with the High Court of Admiralty;" and, if that statement is inaccurate, what steps have been or will be taken to correct it for the better guidance of Her Majesty's Officers in India; whether the Index to these Regulations, in which a corresponding statement occurs, is also published "by authority" of the Secre-

tary of State; whether some of the Kirwee Prize claims have been ostensibly adjudicated upon, not by a legal court, but by a public Department unaided by legal assessors; and, whether such ostensible adjudication has been in accordance with any of the known precedents, some of which, in the opinion of Her Majesty's Attorney General and other very eminent counsel, are not distinguishable from the case of the Kirwee claims?

**MR. GRANT DUFF:** Sir, in reply to the first Question I have to say that my attention was called in the year 1870 to the statement that "the final decision in all disputed questions of Prize now rests with the High Court of Admiralty." In reply to the second Question, I have to say that, there being nothing in that statement calculated to mislead persons of average intelligence, it is not intended to take any steps to alter it. In reply to the third Question, I have to say that the Index is as much and as little authoritative as the rest of the compilation—that is, as I explained the other day, it is authoritative in so far as it quotes or correctly interprets official documents. In reply to the fourth Question, I have to say that some of the Kirwee Prize claims were adjudicated on by the Treasury; and in reply to the fifth Question—being, I believe, the 21st which has been addressed to me this Session on the subject of the Banda and Kirwee claims—I have to say that I think the hon. and gallant Member had better address that Question to the representative of the Department whose action he impugns.

#### METROPOLIS—PARLIAMENT STREET— THE PUBLIC OFFICES.—QUESTION.

**MR. A. JOHNSTON** asked the First Commissioner of Works, Whether any of the houses standing between Parliament Street and the new Colonial and Home Offices are likely to be taken down before the meeting of Parliament in next year; and, if so, whether he will undertake that no steps inconsistent with the ground on which they stand being thrown into the roadway shall be taken previously to such meeting of Parliament?

**MR. AYRTON:** I think, Sir, it extremely probable that the houses referred to will all be taken down before the meeting of Parliament next Session; but

*Mr. Vance*

no further work will be done on the land than is necessary for the completion of the new Home and Colonial Offices. That work will not extend over much of the site; but of course the new Home and Colonial Offices must be completed as quickly as possible.

**MR. A. JOHNSTON:** The right hon. Gentleman has not answered the latter part of my Question—whether he will undertake that no steps should be taken inconsistent with the ground on which the houses stand being thrown into the roadway?

**MR. AYRTON:** No further steps will be taken than such as are necessary for the completion of the new Home and Colonial Offices.

#### STIPENDIARY MAGISTRATES (IRELAND).—QUESTION.

**LORD CLAUD JOHN HAMILTON** asked the Chief Secretary for Ireland, Whether the Government intend passing a Bill through Parliament this Session to enable them to deal, if necessary, during the Recess, with the grievances of Stipendiary Magistrates in Ireland?

**THE MARQUESS OF HARTINGTON,** in reply, said, that the Government had been, both officially and unofficially, in communication with the resident magistrates, with the view of coming to some settlement with them on the subject of their grievances, but they had not yet arrived at any conclusion which he could lay before the Treasury. It was therefore out of his power to say whether it would be possible for him to lay a Bill before Parliament; but he believed the Government would be able to deal with the matter without a Bill.

#### THE LAND ACT (IRELAND)—CHAIRMEN OF COUNTIES.—QUESTION.

**MR. VANCE** asked the Secretary to the Treasury, What increased remuneration has been given to the Chairmen of Counties in Ireland for the additional duties imposed on them by the Land Act; and, if any arrangement has been made to carry out the provisions of the Act by conferring increased remuneration on the officers of those courts for the additional duties they are bound to perform?

**MR. BAXTER:** Sir, the hon. Gentleman will find at page 9 of the Supplementary Estimates delivered this

morning the increased remuneration proposed to be given to the Chairmen of Counties in Ireland for the additional duties imposed on them by the Land Act. No arrangement has yet been finally decided upon regarding the manner in which the officers of the Courts are to be paid.

**ARMY RE-ORGANIZATION—COMMAND OF SUB-DISTRICTS.—QUESTION.**

COLONEL NORTH asked the Secretary of State for War, Whether it is intended to appoint a permanent Staff Officer to assist the Colonels commanding sub-districts in the duties of their commands, the supervision of the Militia and Volunteers, and the management of the Recruiting Service, besides the command of the Brigade Depôt when such has been formed, entailing upon them a large amount of correspondence; and, when Quartermasters will be appointed to such Brigade Depôts as have been formed?

MR. CARDWELL: Sir, the plan is stated in detail in the First Report of General M'Dougall's Committee, paragraph 18, to which I must refer my hon. and gallant Friend. The Major, it is there stated, will assist the Lieutenant-Colonel, and his general functions will be those of a Brigade-Major or District Adjutant. It is intended that the Quartermaster shall be appointed in the next *Gazette*.

**PARLIAMENT—PRIVATE BILL LEGISLATION.—QUESTION.**

MR. DODSON asked the President of the Board of Trade, in reference to the Resolution unanimously agreed to by the House on the 22nd of March 1872 in favour of the reform of Private Legislation, Whether he remembers that on the 25th of April 1872 he expressed the hope that the Government might be able to submit a proposal on the subject before the Session concluded, and that on the 17th of June 1872 he assured the House that the subject was under consideration and would not be allowed to drop; and, whether he will state the steps which Her Majesty's Government have taken and propose to take in order to give effect to that Resolution?

MR. CHICHESTER FORTESCUE said, he would ask his right hon. Friend, in return, whether he remembered what the subject was with respect to which he (Mr. Chichester Fortescue) spoke on

the 17th of June last year? What he said on that occasion was that he would remind his right hon. Friend that the share of responsibility he undertook in this matter was mainly to ascertain whether the system of Provisional Orders could be improved and extended. He was carrying on that inquiry and was in communication last Session with other Departments of the Government which were as much interested in the system of Provisional Orders as the Board of Trade. If his right hon. Friend had asked this Question in the beginning of the Session he could have informed him that he had failed to discover any method of extending the system. This year the Board of Trade had issued more than its former number of Provisional Orders; it had made 53 and submitted 46 of them to Parliament. The Local Government Board had increased its number from eight last year to 51 this year; and the number of Orders under the Education Act was sure to be increased. In Ireland a recent Act had begun to come into operation, and when the advantages of Provisional Orders came to be better known, he hoped the Act would have a much larger operation. He was far from saying that nothing could be done to extend the system of Provisional Orders. The Board of Trade might very well extend the system by enabling local authorities to obtain Provisional Orders for the erection of gas and water-works, instead of their being compelled to proceed by way of Bill. That was a point he would not lose sight of. This did not cover the main subject which his right hon. Friend had in view, and he (Mr. Chichester Fortescue) had reluctantly come to the conclusion that so far as the Executive Government was concerned the power of framing Provisional Orders could not be seriously extended; and if the great and serious question of Private Bill legislation, involving large interests, were to be dealt with outside the walls of Parliament, that could not be properly done through the instrumentality of the Departments of the Executive Government, but a tribunal of a permanent and judicial character would have to be created for that purpose.

MR. DODSON said, that his Question had not been clearly put, and he would repeat it in a plainer form.

## PORTUGAL—SUPPLIES OF AMMUNITION.—QUESTION.

COLONEL BARTTELOT asked the Surveyor General of Ordnance, Whether it is true that a large quantity of small arms ammunition, commonly known as Boxer cartridges, has lately been supplied by the War Department to the Government of Portugal or some other Foreign Government; and, if this is the case, whether the Right Honourable Gentleman will state the exact quantity so supplied?

SIR HENRY STORKS: Sir, three-and-a-half million rounds of small arms ammunition, commonly known as Boxer cartridges, have been supplied to the Portuguese Government at their request, conveyed through the Foreign Office.

## EGYPT—CLAIMS OF BRITISH SUBJECTS.—QUESTION.

MR. MILLER asked the Under Secretary of State for Foreign Affairs, If he can inform the House whether the land and other property belonging to the Alexandria and Ramle Railway Company (in which British subjects are largely interested), taken possession of by the Egyptian Government, has been restored to that Company; and, whether Her Majesty's Consul General at Alexandria was authorised to submit to arbitration the matter of the land so taken possession of?

VISCOUNT ENFIELD: Sir, the right to the land in question is still in dispute between the Alexandria and Ramle Railway Company and the Egyptian authorities, and the question is one over which, in the opinion of the Law Officers of the Crown, the British Consular Court has no jurisdiction; it rests, therefore, with the Company either to submit their case to the Local Courts or to let it be decided by arbitration—a course to which, I believe, the Egyptian Government is not averse.

## ARMY—NEW PASSAGE HILL, DEVONPORT.—QUESTION.

MR. J. D. LEWIS asked the Secretary of State for War, Whether it is true that the Government intends to throw upon the ratepayers the expense of the maintenance of a road known as New Passage Hill, Devonport, which

was originally constructed by the War Department through land the property of the War Department, and has recently been diverted from its former course by the same Department, without first complying with the provisions of the General Highway Act as regards the state of repair of a road before its dedication to the public; and, if so, by what authority?

MR. CARDWELL: I am informed, Sir, that the road is a private one, which, if it pleased, the War Department might altogether close. It is not required to be maintained for any military purpose, and Army funds are, consequently, not expended upon it. There is no objection to the local authorities acquiring the road, if they desire to do so, for a public highway.

## ARMY—THE AUTUMN MANOEUVRES—BILLETING.—QUESTION.

MR. BONHAM-CARTER asked the Surveyor General of Ordnance, Whether any and what compensation will be given to the occupiers of licensed houses subject to billeting who have been or will be liable to extra inconvenience owing to the movement of troops for the special purpose of the Autumn Manoeuvres; and, if any, how it is to be distributed, and the course of proceeding to enable them to avail themselves of it?

SIR HENRY STORKS: It is intended, Sir, as a temporary measure, to give licensed victuallers and inn-keepers an extra allowance of 3*½d.* for each hot meal issued. In cases in connection with the Autumn Manoeuvres where this allowance has not been given, special application should be made for it direct to the War Department.

## INTERNATIONAL LAW.

## ANSWER TO ADDRESS.

Answer to Address [8th July] reported, as follows:—

## V.R.

*I have received your Address praying that I will be graciously pleased to instruct My Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers, with a view to further improvement in International Law, and the establishment of a general and permanent system of International Arbitration.*

*I am sensible of the force of the philanthropic motives which have dictated your Address.*

*I have at all times sought to extend, both by advice and by example, as occasion might offer, the practice of closing controversies between Nations by submission to the impartial judgment of friends, and to encourage the adoption of International Rules intended for the equal benefit of all.*

*I shall continue to pursue a similar course, with due regard to time and opportunity, when it shall seem likely to be attended with advantage.*

NAVY—THE TROTMAN ANCHOR.  
QUESTION.

LORD HENRY SCOTT asked the First Lord of the Admiralty, Whether, looking to the recent serious casualty to the "Northumberland," and disasters to other of Her Majesty's ships from default of Navy ground-tackle, and to the manifest importance of providing the best and most trustworthy anchor for use in the Royal Navy, he will state what practical objection exists, if any, to carrying out the proposal indicated in Mr. Trotman's Letter to him of the 13th January (*vide* Return No. 275, 1873), and of determining, by unerring tests and actual proof, the relative powers, the instantaneous grip or biting properties possessed by a light Trotman anchor comparatively with the more cumbersome and costly established Navy anchor of double its weight?

MR. GOSCHEN: Sir, the late casualty to the *Northumberland* was not caused by any fault of the Admiralty anchor. The anchor did not fail; it held properly and efficiently; but it was the cable which failed, and parted under very exceptional circumstances. When the second anchor was let go there was no reason whatever to say that it dragged from its position, but, in veering cable, the *Northumberland* fouled the *Heracles*, and so efficient was the anchor of the *Heracles* that both ships were held by that one anchor and cable. Therefore, the casualty to the *Northumberland* was not caused from default of the anchors, and no disasters have occurred to other ships from the same cause. The Officers of the Navy do not generally consider that Trotman's is a better or more trustworthy anchor than the anchor generally in use; it was supplied to the *Warrior* at Mr. Trotman's request, and after it had been in use for two years, Captain—now Admiral—Cochrane reported that the anchor could not be depended upon for biting and holding when first let go

—the same defect that had been so often reported in Porter's anchor, and which Mr. Trotman professes to have remedied. There can be no better test or proof of the relative powers of anchors than practical trial on board ship in actual service; these have been made, and prove that Trotman's anchor cannot be always depended upon for instantaneous grip or biting properties. Naval Officers have not that confidence in Trotman's anchor for a man-of-war which is possessed by many in this House; and I am bound in cases of this kind to be guided by the knowledge and experience of my naval friends.

ELEMENTARY EDUCATION ACT (1870)  
AMENDMENT BILL—[BILL 188.]

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

MR. W. E. FORSTER, in rising to move that the Bill be now read a second time, said: I believe it is not usual for a Minister who is in charge of a Bill, in moving the second reading to do so with any speech; but although I am very averse from taking up the time of the House, especially at this period of the Session, I think, perhaps, it will be for the general convenience if, in the present case, I make a few remarks. More than a month has elapsed since I had an opportunity of bringing in this Bill, and, owing to the exigencies of the Public Business and the lateness of the hour, I only made a very brief statement. Although it was impossible to bring it before the House on an earlier day, yet the question has excited so much interest in the country, and there has been so much comment on the Bill—or rather, as I shall presently endeavour to show, on one provision of the Bill—that it may be well for me to explain a little more the ground on which the Government have taken the course they have taken. It is also, I think, due to the House, and the most straightforward way of dealing with it to state precisely, at the opening of this debate, the course which the Government intend to take. The clause which has excited objection to the Bill is the third, which undoubtedly is the most important. That clause has two objects, and contains two provisions. The first object is to secure education for

the children of out-door paupers; and the other is to transfer to the Poor Law Guardians the power given to school boards by the Act of 1870 to remit school fees under certain conditions and limitations. I believe I am right in saying that it is the second of these provisions which has excited most comment and opposition in the country. I wish, therefore, shortly to state the reasons why the Government thought it right to propose that clause, and, in saying so, I fear I must detain the House for some time by recalling its attention to grounds on which in 1870 we passed the well-known 25th clause that excited so little attention at the time and so much attention afterwards. We felt while we were passing that Bill into law that provisions for schools were of little avail unless we could get scholars into the schools. The principle on which we interfere with the education of children who attend elementary schools is, that there shall be assistance from the public funds. We grant large sums out of the taxes, and we look forward to considerable assistance in localities, either by rates or subscriptions. But we have to deal with the children of parents who are too poor to pay the school fees, even after those fees have been reduced from the sources I have just described; and the question was, how to enable such children to get into the schools. There was, however, an easy plan of doing it if the House had assented to that plan. It was to do what is done in most of the States of America, and to state that all the education given in the State schools should be free. My hon. Friend the Member for Birmingham (Mr. Dixon) made a proposal to that effect, and I have never denied the force of the argument used in favour of it. I think, however, the argument that we ought not to take from parents all responsibility overweighed the argument he brought forward quite independently of the enormous cost such a system would entail on the country. I need not say more about that principle, however, because an overwhelming majority of the House decided against it. There still remained the question, how these children were to be got into school. We introduced three provisions into the Act of 1870 in order to effect that object. One was to the effect that a school board should be able to start a free school

when there were special circumstances—when a locality was in great poverty, or when there were other special circumstances which made such a school desirable, and when the Education Department as well as the school board was convinced of its necessity. With regard to that section, I can only state that as yet no school board has applied to us to sanction a free school, and, consequently, that clause has not hitherto been put into force. Then there was the 17th section, which gave power to the school board, as managers of their own schools, to remit the fees if they thought the parents were too poor to pay them. This provision seemed necessary in order to give them the same power as was possessed by other managers. And, lastly, came this much-disputed 25th section, giving power to the school board to pay the school fees in what I may call voluntary schools, provided they were public elementary schools, and gave, therefore, a guarantee for efficient secular education. Therefore, the first object in passing the 25th section was simply this—to enable the school boards to get children into school who otherwise would, in all probability, remain out of school. But there was another, and a very strong reason for passing it. We introduced into the Act—or rather the House agreed with the Government in including in the Act—a provision for compulsory attendance, which although only permissive has yet, I am happy to say, been largely made use of, and the by-laws framed under it are now in force throughout nearly one-half of the country. Our feeling with regard to the 25th clause was that it was impossible to compel a parent to send his children to school if he were too poor to pay the fees, unless at the same time such assistance were given to him as would enable him to pay them. Consequently, the second object of this clause was to take from a parent whom it might be necessary to compel to send his children to school the only excuse he could urge against the compulsory power. If there had not been some such provision I do not believe any magistrate could have put in force the compulsory by-law in the case of a parent who was plainly too poor to pay the school fees. These were our objects. In the comments which have been made upon this clause, there seems to be a notion that the Government had

some hidden and abstruse reason in passing this section — namely, of subsidizing and aiding denominational schools. I do not think, however, that any Member of the House does really hold that view. Nothing could be more straightforward than was our object, and no objection was made in the House to our proposal at the time, nor for some time afterwards; and so little conscious was I of the possibility of such an objection being made, that on being asked what was the use of giving a power under the 12th section of the Act for a district to form a school board by its own wish, even when there was no deficiency of public school accommodation, I remember I stated as one reason that they would be able to pay the fees of children at voluntary schools; and when I made that reply it excited no comment or opposition from any of the hon. Members who are now so opposed to that provision. That was the way in which the clause came into the Act and the ground on which it was passed. And now I come to what has happened in the working of the Act. There have been two strong objections raised against this clause in different parts of the country. The first objection is, what I will call the denominational objection. Several gentlemen feel strongly that although the clause was not passed with that intention it has had the effect, as they consider, of subsidizing denominational schools. They say that that is inexpedient, and in some cases they say they are conscientiously opposed to such a provision. Another objection is what I may term the economical objection. It is that the members of school boards are not so able as the members of the Boards of Guardians to ascertain whether a parent ought or ought not to receive assistance. It is urged, the power to give such assistance out of the rates might lead to too lavish expenditure, besides demoralizing the recipients, because they might receive aid when it was not absolutely necessary. With regard to the denominational objection, I do not know that it would be expedient for me to detain the House by giving the reasons why I do not agree with it. I have frequently stated those reasons, and therefore I need only state now, that although I am surprised at such an objection being felt, I do not for a moment deny that it is felt. I can

assure my hon. Friends who entertain this objection that I much regret that this difficulty should be connected with education, and I should be most glad if the Government could remove it without at the same time injuring the cause of education, and disregarding and trampling on what we conceive to be the rights of parents. Knowing, however, that there was this objection, it was our duty to set to work and consider how to remove it. There was one simple plan by which we were told we could do it—namely, by repealing the 25th section and leaving only the 17th section; that is to say, by taking from school boards the power to pay fees to voluntary schools, and leaving them the power to remit fees in their own schools. A good many persons ask why we did not take this course, and they will quote in their favour the Returns which have been laid upon the Table of the House. These Returns seem to show that so little money has been paid under this section that we might with great safety take from school boards the power of paying fees to voluntary schools. I read this morning in a newspaper of great circulation and weight on educational matters a statement that only one school board in ten has adopted the clause; and as it is desirable that in a matter like this we should have the exact facts, I think it right to say that the statement in question is an entire mistake. It is quite true that in only three or four towns in the kingdom has this clause been largely put into operation, and that the largest percentage is to be found in Manchester and Salford, while in Bristol and some other towns it has been used to some, but nothing like the same, extent. We must not suppose that because the fees of a few children have been paid that the clause has not been of any service or importance in these towns, because the fact is that it would have been impossible for the school boards to put the compulsory by-laws in force, as they have done in town after town, to the enormous advantage of education, if they had not had the power of leaving no reasonable excuse for the parent by offering payment of the fees, if necessary. Otherwise the inability to pay would have been successfully pleaded in the majority of cases by parents who had not sent their children to school. As I have said, it is an absolute mistake to say that one

in ten of the school boards have made use of this clause. There were 563 school boards in the kingdom at the end of June in this year, a great many of them being small ones, which have not put the by-law in force. We have now to consider only those boards which have put the by-law in force, and they number only 212, but comprise 9,000,000 persons, or an enormous proportion of the population which is under school board rule. Of these 212 boards, 64, with a population of about 900,000, have inserted in their by-laws only the remitting clause, leaving out the paying clause; 106 have inserted both the remitting and paying clauses, and 41 have not thought it necessary to say anything about it. These last have acted quite rightly in doing as they have. If we had to frame the Bill again we should take a similar course; because it is not necessary for the school boards to make any by-laws with regard to the matter, inasmuch as they have, and cannot divest themselves of, the power conferred upon them by Sections 17 and 25 of the Act of Parliament. I have the highest legal authority for saying that the existence of that power would prevent any parent being punished for not sending his child to school if it could be proved before the magistrate that he was too poor to pay, and that he did not get help from the school board for the school which he preferred. I have entered into this statement to show the exact position in which we stand with regard to this section. As I have said, I was desirous to meet the difficulty, and the manner of doing so which was suggested to me was to repeal the section and put nothing in its place. In a circular which has been issued by the National Education League, and which reached my hands this morning, hon. Members are asked to oppose this Bill because the failure of the Government to repeal the 25th clause had caused extreme disappointment to all who had at heart the cause of National Education and of liberty of conscience. The Bill, as it stands, does propose to repeal the clause; but I grant that it also proposes to re-enact it in another form. Consequently, I suppose what the League objects to is its re-enactment. Let me then, in the first place, consider whether the effect of the clause is to injure the cause of National Edu-

cation. I believe we are most of us agreed that it is desirable to make use of provisions for compulsory attendance as far as we can do so without committing injustice or hardship, or exciting public feeling against it. I really think we must all of us feel, also, that compelling a parent to do anything with regard to his child is not the easiest of matters, and that, in the interest alike of compulsory attendance and the cause of National Education, we ought to compel as little as we can help. Putting aside for the moment any question of the conscience of parents, let us consider what would be the effect of repealing this clause without at the same time putting any other provision in its place. At this moment the country is covered with voluntary schools, and the object of the Act we have passed is to supplement that provision where it is needed; but my hon. Friend the Member for Birmingham, and those who think with him, must know as well as I do that for a long time to come voluntary schools will out-number the school board schools very largely. Is it wise or prudent, then, to have this difficulty in compulsion—that you will say to the parent who is too poor to pay the fees that he shall have no choice of school for his child, according to convenience of locality, to say nothing of conscience or other preference, but that he must send his child to that school only which we prefer? I am perfectly sure that compulsion would fail if you forced parents to pass by the schools which suited them in order to make use of schools which did not suit them. Therefore, I say that to repeal this clause and put no other provision in its place would be to hinder the cause of National Education, which the circular of the Education League requires us to have at heart. The question of liberty of conscience is a very delicate one, and one on which it is difficult to speak without exciting feeling. This I will say however—that there is not merely the conscience of the ratepayer to consult, but also the conscience of the parent, which it is necessary to interfere with as little as possible. There are some places, undoubtedly, in which the parents would only have one public elementary school near them, and in cases of that kind we must, in exercising our compulsory powers, be content to give the parents the protection

involved in the power to withdraw their children from the religious education. But surely where there is a choice of schools we ought to allow of its exercise. My hon. Friend the Member for Birmingham and the other members of the Education League may say—"But this is a man receiving State aid, and ought not our consciences to be considered when we think it wrong to pay for education in which is included religious instruction of which we do not approve?" I am very sorry for this objection, and I would meet it if I could; but I feel that the cause of education must suffer great harm if the compulsory provisions are met by the parents saying that they are to have no choice as to the schools to which their children shall be sent. I am convinced that if we do not allow a choice we shall have to contend with what parents allege to be a conscientious objection so powerful that we shall be unable to work the Act. We may say they have no right to feel this; but I cannot use that argument, nor do I think my hon. Friend the Member for Birmingham can use it with justice, in regard to the feelings of the parents. Being unable to meet the difficulty in the way suggested, by the total repeal of the clause without putting any other proposition in its place, we set to work to see whether we could adopt some other plan. We felt that although it was impossible absolutely to meet it, we might try, and perhaps with success, to diminish the objection. We were told that the result of this clause as it stands is very large subsidies to voluntary schools. This certainly was not our object. What we wished to do was mainly to prevent parents having a reasonable excuse for not sending their children to school. The first object of our proposition was to limit the payment of fees out of the rates as much as possible, without making compulsion impossible. At the present moment the school boards have power to pay the fees independently of whether they are or are not putting in force the compulsory by-laws. By our proposition we limit the payment of fees to districts in which there is compulsion, and to those parents only who are too poor to obey the law without assistance. We also attempted to meet the views of my hon. Friend the Member for Birmingham by limiting the amount to be

paid. We were told that the amount we were giving was so large that the voluntary schools could exist solely by help of the State grant; but I think I can prove that at this moment no such schools do or could possibly exist. In taking the limitation mentioned in the Bill—namely, 2*½d.* a week—we adopted the system which from experience had been found to answer well, more especially in Liverpool. But the clause which has excited so much opposition is that which provides that if the child of a parent, not being a pauper, is required to attend school, and if it is found that the parent by reason of poverty is unable to pay for the child, it shall be lawful for the Guardians to pay the school fees, and that duty was imposed upon them by the clause, the parent having liberty to select for his child such elementary school as he should think fit. I confess I am surprised at the conscientious objections made to a proposal which limited the grants out of the rates simply and solely to parents who from poverty were unable to obey the law, though it still gave to the parent thus unable to obey the law, power to choose the elementary school for his child which in other circumstances he would conscientiously have selected. That, however, is not the only change the provision makes. It changes the paymaster. Instead of the school board being allowed to pay, that duty is transferred to the Guardians. Our reason for proposing that change was that we felt we should be thereby meeting the economical objection, and that the Guardians would be more likely than the school boards to spend the ratepayers' money without doing harm to the recipients or injustice to the ratepayers. This we thought, not because they are a more able or a more conscientious body, but because they have the machinery which, in our opinion, would give them a better means of testing the necessity of the parent. Such was the ground of our proposal. Now, I come to the manner in which it has been met. And in the first place, I must admit that there has been great objection made to it by the Boards of Guardians themselves. To a certain extent, I confess I expected that opposition. No body of gentlemen—especially those who are busily engaged in performing other duties—would, under ordinary circumstances, be anxious

to have new duties imposed on them. It was natural, therefore, that we should look for some objections from that quarter. We had, as I have said, anticipated it and considered it; but we came to the conclusion that the balance of argument was on the other side. At the same time I cannot deny that the argument urged—namely, that there is danger in bringing the parent who is not a pauper in contact with the Relieving Officer—has weight in it. We did not think that it outweighed the benefits to be conferred by the provision; but it cannot be denied that in some instances the effect might be to break down the barrier between the parent and pauperism. However that may be, the fact remains that we had strong objections on the part of the Guardians to contend with, and we were bound to bear in mind that the Government that attempts to work by the help of local machinery must to some extent consider the feelings of the gentlemen composing the local bodies. We are too much indebted to their aid to endeavour to ride rough-shod over them without giving their objections consideration, and perhaps extending the benefit of the doubt to the local body. But there were other persons we desired to meet besides the Guardians, and I certainly did hope that the limitation of the power in Section 25, both as to the amount and the number of the cases, and this proof that our object was not the subsidizing of voluntary elementary schools, but to give power to enforce the compulsory clauses, would have conciliated some of my hon. Friends who I find are opposed to it. I cannot help thinking, however, that the clause was prejudged before it was placed before the House. But we must meet the facts as we find them, and I cannot deny that we are not in a position to plead as against the objection of the Guardians that we have conciliated the opposition of those who were opposed to Section 25. There was another fact we had to deal with—namely, the feeling of the school boards. It is best to be candid in these matters, and I confess that I have been in some respects surprised at the action of some of those bodies. So far as we have had any expression of opinion from them on the subject, it is, I must say, against the proposed transfer. About 10 school boards have sent in to the Depart-

ment memorials against it; and I must admit that they are among the most active of the boards—not merely Manchester and Salford, from which we expected opposition, but Stockport, for instance, which certainly has worked the clause with much care and with very great success. I can only imagine that the school boards felt that there was a sort of slur cast upon them—I am sorry they entertain such a feeling—in taking away any portion of their duty, especially as I know they are actuated by the desire to be of the greatest possible benefit to the children in whose behalf the duty was imposed. Well, then, we had to consider whether it was desirable to persist in this transfer, and I must acknowledge, although I still think the balance of argument to be in its favour, I am of opinion it would not serve the cause of education if we were to insist upon it. It is, therefore, the intention of the Government so far to alter the 3rd clause as to take out of it the proposed transfer of power under Section 25 to the Board of Guardians, and that, of course, implies that we take away all mention of that clause. That brings me to the other provision in the clause—that for securing education to all pauper children—a provision which, if adopted, would, we believe, materially serve the cause of education. Its object is to repeal the Act which is known by the name of your predecessor, Sir Denison's Act—in order to re-enact it in a much more extended and efficient Act. That Act, I believe, has done much good, and probably went as far as the House at the time was disposed to go or the country would have approved of. But the objection to it is this—that it does not carry out its own object or fulfil its own title. It is an Act for providing education for children in the receipt of outdoor relief. But it does no such thing. It is left to the discretion of the Guardians to make provision for that purpose or not, just as they think fit, and the result is that while a large number of Guardians do so a large number do not. There are 647 Unions in England and Wales, and of these 321 have put the Act in force and 300 have not. As to the remaining 26, I have no information on the subject before me. Of the Unions in the metropolitan district 21 have put the Act in force and 10 have not. There

is, however, a provision in the Act which makes it very difficult to put it in force. It provides that it shall not be lawful for the Guardians to impose, as a condition of the relief, the education given to the child of the person requiring relief; but where the Guardians have put the Act in force they are obliged to disregard the law, and make a condition of the relief, the education of the child. I do not see how you can work the Act without it. If the House says the Guardians ought to pay for the education of these children out of the rates, they have a right to expect from the parents that the money shall be used for that purpose, otherwise they can have no right to claim relief from the rates. I have been looking around for objections to this proposal, because I had really hoped that it would meet with the almost universal acceptance of the House. My hon. Friend the Member for Finsbury (Mr. W. M. Torrens) has published a letter in which he alleges, as the ground for his objection, that this provision for education would be an inducement to pauperism. He forgets, however, that there are two sides to this question. There is not only the individual who asks for relief from the rates, but there are also the Board of Guardians and their officers, whose duty it will be to ascertain whether they have a right to it. The clause does not say that a person who is otherwise able to do without it shall ask relief for educational purposes; but where relief out of the workhouse is given to parents, then it shall be a condition of such relief that elementary education in reading, writing, and arithmetic, shall be given to their children, and the Guardians may give "such further relief, if any, as may be necessary for that purpose." Therefore, there is this protection—that it will be both the duty and the interest of the Boards of Guardians and the relieving officers to give no relief at all except where it is necessary. There will be many cases in which I do not think it will be necessary to give this educational aid to out-door paupers, because they may be assisted in other ways. The question is whether we are prepared to say because we will not impose this duty on the Guardians, that therefore these children are to remain untaught? I am delighted to find that the Guardians themselves throughout the country do not take that objection. In all the

Petitions presented which I have seen, the Guardians ask for the withdrawal of the 3rd clause on the ground of the transfer from the school board to the Board of Guardians. I have in my hand an influential Petition from 21 Boards of Guardians—the very same collection of Guardians to whom my hon. Friend addressed his letter. They ask, it is true, for the withdrawal of the clause, and give five reasons in favour of that withdrawal, based upon the transfer, and not one against the extension of Denison's Act. But I have another and much stronger reason. A deputation of Guardians came up to me to-day who kindly saw one of my colleagues. They represented 11 Boards of Guardians, including many which had signed this Petition—namely, Manchester, Bolton, Sheffield, Rochdale, Huddersfield, and two or three others. I am authorized to state that all these Boards are in favour of the extension of Denison's Act. I should like my hon. Friend to allow me to read a Petition from the influential Board of Guardians at Mile-end Old Town, containing a population of 100,000 and in which the argument is better expressed than anything I could urge. They were also opposed to this transfer; but let the House hear what they say on the other part of the clause—

"That your petitioners are of opinion that it is of the utmost importance that the children of out-door paupers should regularly attend school, and such children form a considerable portion of the class which the Legislature had in view in passing the Elementary Education Act. That as the children of persons receiving parish relief are already in a measure under the care of the Guardians of the poor, they (the Guardians) are the parties by whom the duty of enforcing the attendance of such children at school should most appropriately be undertaken. That as Guardians have already a staff of officers whose duty it is to inquire into the circumstances of applicants for relief, the duty of seeing that those children regularly attend school could be conveniently intrusted to the relieving officers without additional cost to the ratepayers."

But that is not the only testimony in favour of this proposal. Among the recommendations in the Report of the Education Commission of 1860, of which the Duke of Newcastle was Chairman, and which marked an era in the history of education, I find the following :—

"37. That in the case of out-door paupers, the Guardians be obliged to make the education of the child a condition of the out-door relief of the

parents, and to pay the necessary school fees out of the rates."

That recommendation was signed by all the Commissioners, including my hon. Friend and Colleague (Mr. Miall). It is quite true, that notwithstanding that recommendation the change was not made, and it was objected to by a Committee of the House of Commons appointed a year or two afterwards. The matter was, however, put in a different position by the Act of 1870, by the acknowledgment in that Act of the principle of compulsion, and by the declaration that it is the duty of the parent to provide for the education of his children as much as to feed and clothe them. I have dwelt upon this argument, because of the great regret and surprise with which I have read a passage in the Circular of the Birmingham League this morning. There was a useful Society formed in Birmingham in 1868, called the Birmingham Education Society, the object of which was to get children to school. My hon. Friend the Member for Birmingham (Mr. Dixon) who is the President of the Birmingham League, was the President of that Society. It had also the same secretary, Mr. Collins, and among the members was Mr. Chamberlain, a gentleman of great eloquence, whom I hope one day to have the pleasure of hearing in this House. [A laugh.] Hon. Members opposite may laugh; but I can only say I would rather answer him in this House than out of it. Nine other members of the League were among the Committee. The first Report of the Birmingham Education Society contained the following passage:—

"The Guardians have only a permissive power at present to pay the school fees of these children, but your Committee deem it very desirable that such payments should be made compulsory, as the rates cannot be expended in a better manner than in educating pauper children, thereby taking the most effectual means of diminishing pauperism."

It may be said that, to some very small extent, there might be a temporary and present increase of the rates. It has been my hard fate to have to deal with two of the most delicate subjects of legislation—namely, matters affecting the conscience, and matters affecting the pockets of the ratepayers; and I hardly know which I have found the most difficult. But I am very anxious that the strong feeling which I own exists at this

moment against any increase in the rates should not keep these pauper children untaught. My hon. Friend's (Mr. W. M. Torrens's) Resolution has undergone three changes. First it stated that—

"Having regard to the existing burden imposed on local taxation for national purposes, this House is not prepared to adopt any measure for charging on rateable property alone the cost of primary instruction to the children of any class of the community."

In three or four days afterwards, however, the Resolution was changed to a declaration that the House was not prepared to entertain a measure "calculated to augment the charge on rateable property." This provision struck my hon. Friend at first, perhaps, as it strikes many hon. Gentlemen. It is much more objectionable from their point of view than it really is. It appears to them that this proposition is one which would charge the education of paupers on the ratepayers only. But has my hon. Friend forgotten that in the education of pauper children, as in the education of the children of other classes taught in public elementary schools, for every 6d. found by rates at least 6d. is found by taxes? Well, I put it to my hon. Friends who advocate the cause of the ratepayers so strongly, whether they expect to make better terms with respect to the rates on land? Do they expect to make better terms than this—that in everything done by local taxation half the money should be granted by way of help out of the taxes of the country? I do not think hon. Gentlemen opposite expect half the poor rates to be paid out of the taxes. But here you have that concession made, not, I grant, with a view to help the rates, but because it is the most effectual way of promoting education. My hon. Friends, therefore, cannot object to the proportion which is borne out of the public funds, and as to the expenditure of the money, I ask them to attend to the well-expressed statement of the Birmingham gentlemen in 1868. Looking at it purely as an economical question, can there by any possibility be a better expenditure of rate money than in getting the child of an out-door pauper taught? Is it not likely that the 2½d. per week spent on that child will be repaid ten-fold, because it is by the expenditure of that money the child will cease to be a burden on the rates? I believe it to be a step in the cause of education

which it is most necessary to take. I believe that it is very urgent, because while you do not take it the education of those children is going back. There is another ground which I have to urge in favour of my contention. The Board of Guardians are, to some extent, declining to put into force those powers, on account of the passing of the Act. There are 31 Unions which have done so, and surely as between school boards and guardians, the latter must know better what is necessary to be given to an out-door pauper in order that his children may be educated. This change which I have described is the only change of any importance that we intend to make in the Bill. It will, perhaps, be convenient to the House if I state the course we intend to pursue with reference to the mode of procedure. We intend to ask the House to give a second reading to the Bill to-night, and then to-morrow to allow me to commit it *pro forma* in order to introduce this clause. There are two other Amendments which I would also propose to introduce, and to which there can be no objection. An objection has been made to Section 13, which provides that a school board shall be able to receive endowments for educational purposes. Some gentlemen have thought that if school boards were to be trustees for such educational endowments, they might have endowments left them for purely controversial purposes, and then they would be acting as school boards in contravention of the 14th section of the Act. But that was never intended; all that was intended was to get rid of some inconvenience, and I will introduce such words into the clause as will make the matter clear. Another thing that will be necessary is to supply an omission in the Act. The 3rd clause says that all relief and allowances given by guardians under this section shall be paid out of their Common Fund. That does not meet the case of the metropolis, where the Unions are combined together for what is called the Metropolitan Common Fund. This is a matter which will have to be set right. There are no other Amendments to be brought forward, except such as are purely verbal. The only thing I would say in addition is to ask my hon. Friend the Member for Finsbury whether he would really think it necessary to proceed with his Motion. The effect of his Motion, if it

were carried, would be to defeat the Bill. Supposing my hon. Friend right in his opposition to the whole of the 3rd clause, the effect of throwing out the Bill would be almost more inconvenient than it is possible to describe. The result would be that the school boards would all die out this year, and that we should have no machinery for education whatever. Then I cannot suppose that my hon. Friend is anxious that the principle of the Ballot should not be applied to those parts of the country to which it is not applicable at present. Then there are clauses in this Bill which are really most necessary to enable the school boards to discharge the duty which they are so bravely trying to perform under great difficulties—the duty of obtaining the attendance of children at school; and those clauses will, I think, be universally allowed to be useful and necessary. I implore the House not to adopt the course proposed by my hon. Friend. I know it is late in the Session; but I do not think it is so late that we cannot, and that we ought not, now to ask the House to take a step, which would be a real step, in this difficult path, of securing the education of children. I do think that we ought to provide that a large class of pauper children, who, should they grow up in ignorance, are most likely to prove an injury to the State, shall no longer remain untaught. I beg to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. W. E. Forster.)

MR. W. M. TORRENS, in accordance with a Notice which had for some time stood in his name, as an Amendment moved the Previous Question. An appeal had been made to him by the right hon. Gentleman which it might be deemed discourteous if he passed over in silence. He was asked if, considering the fact that the legal term for which school boards had been created in 1870 was about to expire, he would incur the responsibility of rejecting the present Bill, and thus throwing the whole of the organization out of gear? He might be pardoned for saying that he was perhaps the last individual in the House to whom such an appeal could have been appropriately addressed. The memory of Ministers was pro-

verbially short; but making every allowance for the multitude and magnitude of the topics wherewith it was charged, and the venial readiness of the official mind to forget past difficulties and past help in extrication from them, he did think that the right hon. Gentleman might have remembered a circumstance connected with the history of the Education Act that ought to have precluded the appeal addressed to him. The House would probably remember that when the difficulties of applying the school board system to the metropolis appeared to be such that Government was half inclined to leave London altogether out of the Bill, provisions were suggested by him (Mr. Torrens), to which they did not disdain to accede, whereby their perplexities were dispelled and a great educational municipality was called into being and placed at the head of all the other bodies of the kind in the kingdom. Was it likely, then, that the author of the London School Board would with levity seek to destroy his own handiwork, to say nothing of upsetting wantonly and rashly many like institutions elsewhere? But he had been long enough a Member of the House of Commons to know that when on account of one or two obnoxious clauses it was needful or convenient to arrest the progress of an ill-constructed Bill, nothing was more common, because nothing was easier than its re-introduction next day with the objectionable clauses omitted; and he would undertake to say that if they put aside the Bill as it then stood, because of its pauperizing provisions, they would have it again before them expurgated and deodorized in the course of 48 hours. The simple rule of legislative work, when good faith was observed all round—a rule which it was never safe to forget—was that whatever you wanted to do that was useful and right you were bound to believe, and to act on the belief that some way would be found for accomplishing it, and he certainly should not have thought of asking the House to reject certain parts of the proposal of Ministers if he were not prepared to point out an alternative preferable alike in point of expediency and in point of principle. His first impression on hearing the exposition of the present measure by the Vice President of the Council six weeks ago—an impres-

sion which every day that had since elapsed served only to deepen—was that in substance, although not in semblance, it was a breach of the truce agreed on soon after Easter regarding Imperial and local taxation. Pending the production of a general plan by Government for re-adjusting the balance between parish rates and national taxes, they had a pledge from the First Minister that there should be no fresh infliction of burthens on rateable property, only for national objects. [Mr. GLADSTONE: No, no!] Well, it was certainly very unfortunate that the right hon. Gentleman's words were understood at the time by everyone but himself in that sense; and it was beyond doubt or dispute that for the last three months he had had the benefit of that understanding; for instead of following up the rare advantage gained by the great majority recorded last Session in favour of relief to local burthens, the friends of that righteous cause had been content for the time to rest on the defensive, and to await the development of the official plans of redress and re-adaptation. He therefore framed at first an Amendment embodying this view. It was meant to challenge the principle of the Bill upon financial grounds; but as it was in its drift and purport little more than the Previous Question, he readily acquiesced in the desire of many to put the Motion in more general terms, leaving everyone free to lay what special stress he pleased on the reason in chief which might make him averse from the measure. Some opposed it on religious grounds, and some for economical reasons; as a panacea for sectarian strife, Birmingham laughed it to scorn; as leading the way to the certain democratization of the struggling classes, Manchester, in the name of its school board and in the name of 13 of the greatest unions around it, declared that it would only serve to "increase pauperism and decrease education." For him (Mr. Torrens) it was enough if upon any or all of these grounds they should, at least for the present, get rid of the Bill. When he found that many sitting on his own side of the House entertained stronger objections to it than even those urged by the economists of local taxation, he thought he was doing right in putting the question to the House in such a form that not only those who thought

the Bill an infringement of the compact on the question of local burthens, but those also who were opposed to the Bill on sectarian grounds, could vote for his Amendment. He was prepared to stake the issue as distinctly as ever on the ground he first avowed—that primary education ought to be a national charge. If ever a man treated it as a national duty it was the Vice President of the Council, who, in 1870, appealed, not to the representatives of unions and parishes, but to a great nation running a race with other nations. The right hon. Gentleman was then taken at his word, but now he wanted to hark back, and to throw more of the burden on the over-taxed districts of the country. If there were 200,000 children who were not likely to have the benefit of the Education Act because of the poverty of their parents, the case was emphatically one for national consideration, to be met out of national means. He had said before, and he still believed, that the cardinal fault of the rating and school board system—its ineradicable weakness which nothing could cure—was that it was founded on the inverted ratio of the ability of the district or parish, so that poverty was overweighted with rates, and wealth got off comparatively scot-free. Where darkness and destitution prevailed they were told there was social danger. Danger to what, or to whom? To the dark and the destitute, who, by the law of social gravity, seemed to settle down in particular places and districts? No; if danger there were, it was to the wealthy and well-born who dwelt on the sunny uplands of fortune, and who every day sought to dwell more and more out of the sight and stench of want. These were they whose quiet and comfort, whose slumber and pleasure, whose moveable and immoveable property were to be made more safe by public order and primary education. Yet how little did the thickly planted and thinly peopled locality pay in school rates, for how little did it need in the way of schools compared with the over-crowded, over-worked, and over-burthened town, or portion of a town where childhood was said to be running to waste. Talk of the average liability, that upon the whole kingdom was insignificantly small—they might as well talk of the average health of the bright and festive ball-room, and of the cholera hospital. Equally mis-

leading, but far more indefensible, was it to speak with unconcern of average burthens when confessedly and incontestibly no rule of proportion existed according to relative ability to bear them. The disparity was too palpable in the amount of education rates in distant and even in contiguous places; but it was infinitely enhanced by the exclusive incidence of rates on the occupation of houses and lands in exoneration of stocks and shares, mines and shipping, books and pictures, statues and gems. This state of things could be met only by greater grants from the Treasury, and the right hon. Gentleman said that it would be; but there was such a thing as an evasive realization of pledges. In the last Education Budget the right hon. Gentleman asked for £100,000 less than in the preceding year, while there was an increase of rates in all the most populous districts; yet it was said that if this Bill were passed the charge would be borne, half by the State and half by the rates. Local taxation had already reached its peacefully possible limit. In one of the poorer parishes—with which, as a representative, he was connected—a state of things had arisen which, he would venture to say, could not be surpassed for injustice and hardship under the working of the existing system. The operation of that system was twofold. The Education Department having at its disposal the powers of the Endowed Schools Commission, as well as those of the Elementary Education Act, was able to bring to bear a double method of pressure which was simply intolerable. Its weapon was not a knife, but a shears. Where endowments existed heretofore for the moral and mental succour of the impoverished classes, it was coolly proposed to alienate them for the benefit of wholly different localities and classes; and when the people thus menaced with spoliation complained, they were told for their comfort that they might lay on a school rate to make good the want thus capriciously caused by a confiscating Commission. [Mr. W. E. FORSTER: In what parish?] One parish to which he referred was St. Luke's, Middlesex, whose trust property, to the extent of £115,000, the Endowed Schools Commissioners appointed by Government and controllable by them, had formally announced their intention to despoil, in order to set up

in another county some fantastical scheme of higher education. Even without this Bill the wrong about to be done was hard enough to contemplate with equanimity ; but when, in addition to losing their old charitable trust funds, and having to pay heavy rates for new school-buildings which they did not believe they required, it was proposed that the ratepayers should have a second school rate laid upon them for the children of out-door paupers, the grievance became unbearable. Whatever school boards might do about permissive compulsion, they did not, and would not in general, levy a tax upon their self-helping and hard-working constituents to pay school fees for the worthless and laggard, and idle. School boards were ready to take over old schools and to build new ones when they were really wanted. They were ready to sweep the slums, and to compel the urchin brood to come in. School boards were ready to use the powers of the Act to compel negligent parents to send their children to school, although it entailed some augmented charge to the district ; but what school boards, with half-a-dozen exceptions, confessedly would not do was to add materially to local rates for the payment of school fees. And for that reason—avowedly to avoid the friction and hindrance incident thereto—they now proposed to jumble the charge for school fees with that for blankets and bread, in order that the instinctive repugnance of the community might not be excited against the payment when disguised in the general rate. The Vice President asked, would they grudge 10 farthings a week to rescue each destitute child from ignorance ?—and he expected them to take for granted when he specified that sum that it would never be exceeded. But it was rather too late to try the effect of the same mesmerism on the same Parliament that had been used as a medium in this same affair. It did require all the cool-handedness of the right hon. Gentleman to offer them a second time a guaranteed maximum of rating for anything connected with schools. In 1870 he solemnly undertook that the new charge on rateable property should never exceed 3d. in the pound. In his speech explaining the details of the measure, a fine edge was put even on this assurance by the confidential communication to the House

that, in point of fact, it was seldom intended to touch that amount, but to quiet men's minds it was set up as a fixed limit. They went into Committee in March ; and all April, May, and June they were kept wandering up and down the mazes of an intricate measure ; and all that time the 3d. maximum was kept jingling in the public ear, as the answer to all suggestions as to excessive charge. A sad misgiving haunted certain minds, and an incredulous Friend who sat for North Devon (Sir Stafford Northcote), on the 8th of July proposed to insert a condition to the effect that half the school rate anywhere found to be needful above 3d. in the pound should be paid out of the Exchequer. Simple-minded man, how little he understood what might afterwards be called an essential portion of the principle of the Bill to which he had given his consent ! The Vice President of the Council pooh-poohed the Amendment as altogether unnecessary, provision having been made, as he said, in a better way for any charge over the 3d. maximum. The weather was hot, and the House was tired, and the Minister looked so honest, that the right hon. Baronet withdrew his Motion. And, then, what happened ? Within half-an-hour Clause 84, without debate or division, vanished like a dream. It was quietly struck out of the Bill. The maximum had served its turn, and was flung into the waste-paper basket. To keep up the show and the sham a new clause, which now figured as 97 in the Act, was substituted, by which in the comparatively few parishes where a 3d. rate would not raise £20, the Committee of Council had power to give a supplementary grant. But in the vast majority of places, especially in the overtaxed towns where the affluent stream of rural labour was ever tending to swamp the resources of urban industry, no power or even pretence of power was claimed by the Privy Council to lighten in any way the extra burden of education. In a manual of the Education Acts, published by a trusted and well-informed officer of the Government (Mr. Owen), and circulated under their sanction, there was this candid comment on the change thus made—

“The 97th section does not limit the amount which the rating authority may be called on to pay, but fixes 3d. in the pound as the minimum to be paid before any additional grant.”

Thus, then, they had the net result that after having served its turn the maximum of the Bill became a minimum in the Act. And now they were asked to shut their eyes again and hear the chink of the farthings that they were told were to measure the new expenditure. Queen Anne's farthings were few, and they became precious; Queen Victoria's farthings, if once they were sanctioned by Parliament, might prove costlier still. It was not, after all, the fees which constituted the hindrance to the children being sent to school; that was not the excuse that they practically found only or oftenest made. The want of clothing and food when the school was a long way off was more frequently the cause of absence pleaded. At present the answer of the school board was—"We have no power to give clothes or food. But turn the case over to the guardians, who have the power, and what will happen? Your 10 farthings a-week will soon crop up into 6d. or 1s." At best the proposition of paying school fees out of the school rate was in the estimation of forethoughtful men questionable enough. But severed as the practice was to be from every association likely to confuse it in the popular mind with pauperism, most people thought permissive compulsion could do little harm; but at least it led to no further consequences, and it was fenced round with certain guards to prevent, if possible, its expansion. They saw by the Returns on the Table that these were not ineffectual; in but three or four places had any large sum as yet been paid in fees. The country in general was in no haste to have school boards; and even where they existed there was a strong disinclination manifest to use the power of permissive compulsion, or to pay school fees. All this would be slowly but insidiously changed if they adopted it. It was a Bill for confusing in the popular mind all ideas of frugality and unthrift. Instead of an anodyne they would have a double blister. It brought not peace but a two-edged sword. The blunder had one merit—that of being obvious. Often mistakes of policy might be disputable; but the blunt candour with which they were asked to shut their eyes and to be deluded over again into what was ironically called a compromise was a matchless specimen of official intrepidity. Should they be told

that the amount was small, and therefore harmless? But did not the worse poisons work insidiously and by accumulation? Strychnine and antimony could only be absorbed at first in moderate quantities; large doses would turn the stomach, and the fatal element would be expelled. It was the silent and unnoticed increase of mischief that was to be feared in social as in physical life; and the worst feature in both was that when the vital current had been once tainted it was almost impossible to cure either heart or head. Let them beware of the beginnings of evil; and, above all, beware how the proposed change would subvert gradually all the good instincts and sound principles of hard toiling life. He asked the other day one of the clearest headed men he was acquainted with—one who had had long experience in parochial matters—what would be the working of the measure. His answer was simple but comprehensive, candid, and clear—"At first you would not," he said, "notice perhaps any general change, but the new system would show every man his way to the relieving officer." As first framed it gave the ratepayers a chance of escape from part of the new burthen; it might not be much of a chance, and in the end it probably would not have been. As the Bill was brought in a month ago the 3rd clause contained two distinct provisions for payment of school fees by Guardians. In the first place it proposed to convert the permissive statute of 1855 into a compulsory law requiring Guardians to pay for the schooling of children whose parents were on the out-door list. In the second place it proposed that the school fees should be paid to parents who were not on that list. In other words, it tendered an alternative to the needy either to go on the parish themselves along with their children, or to send on their children, and for a little while longer stay off themselves. The Bill as it first stood created to some extent a deferred liability. It opened, indeed, a sad perspective of degradation and detriment; but it might be argued that part of the mischief it threatened was in the present, and part in the paulo-post future tense. What had they now? As if to mock the fears of Guardians expressed in Petitions to the House from every part of the country, the Vice President offered

to cut the 3rd clause in two ; to leave out the alternative to foreshorten the picture of rateable plunder, and get rid of even stay of execution. Bad as it was before, he would make it in every way worse. To offer school fees out of rates to parents who are not to be called paupers, was to lead them into temptation ; but it might have been said on the other hand, that you held out the hope to the tempted man that he might not be deemed by his neighbour a pauper, and that you gave him a counter-temptation to work on for his bread. In so many words it was proposed that it should be a condition of out-door relief that the children should be sent, not to the workhouse school, but to any school in the parish their parents choose—so that the inducement was greater than ever to seek out-door relief. Let it not be said they had the workhouse test. What did this mean ? If all the parents, or half the parents, of the infant multitude they would compel to learn should comply with the test, let them think what the effect would be on the labour market and on the amount of rates ! And if the Guardians, afraid or ashamed to crowd the unions to overflowing, should obey this ill-conceived measure by giving out-door relief, let them consider how wide and how widening a circle of pauperism they would recklessly cause. Like the expanding rings on the surface of water they would soon lose all power of following them. How many a father who has now only work, as he says, off and on, is forced to pinch and forced to pawn in order to keep his wife and his children together ? He has never been on the parish. If he be poor he prays, and if he be sceptic he swears, that he never will. What keeps up his heart in privation ? What makes him forget wakeful nights and fretful days, but the hope that things will mend before he is quite broken down ? He looks his bright-eyed boy in the face and mutters between his teeth—"Thou warn't born to be a pauper." And he toils and suffers on somehow—anyhow. In the heart of this manhood, throbbing as it does in the breasts of honest multitudes, lies the industrial life of England. Why should they poison the current of that life ? Why should legislation in the tempter's form creep by the bedside of the struggling man and whisper in his sleepless ear—"Don't

be a fool, don't be ashamed ; we'll take the frown out of the law and make it smile on you if you will go to the relieving officer and get upon the out-door list. Nay, we will pay you for the job ; we'll bribe you through your best affections, your children shall have the best schooling in the parish, and shall sit side by side with those of your snugget neighbours if you will only be a little base and ask the Guardians for the double dole—bread for yourself and books for them." The man recoils, for he is still a man—there is still in him the sense of shame. But by-and-by the mother comes to know that next door they have been to the workhouse and agreed to the condition named in this depraving Bill, and in order to get good schooling for their children out of the pauper fund, they have agreed to gulp the lie and write themselves down paupers. What will John say to that the next time there is only bread on the table and nothing wherewith to buy beef or beer ? Again, the Inspector comes to him and again murmurs low—"Don't be a fool ; do as others do ; put your hand silently into the pockets of your fellow workmen and furtively extract from them the price of your children's education." Like the gradual widening of the sluice once broken, every hour lets in a greater volume of the flood. One of two things will happen —either Guardians, like school boards, will refuse to execute the law, and then your Bill for pauperizing education will break down ; or they will give way first a little, then a little more, until at last too late they will find themselves unable to resist the rush for school fees made conditional. They were told that this was but an extension of Demison's Act, and to carry out the delusion the Act of 1855 was to be formally repealed, only to be forthwith re-enacted in a more comprehensive form. There could not be a greater farce, for nothing could be more unlike what was done 18 years ago by the unanimous will of both Houses of Parliament than what was now proposed to be done by this most objectionable Bill. The predecessor of the right hon. Gentleman in the Chair, as they all remembered, was one of the most cautious and circumspect men in all that concerned legislation, and the men with whom he conferred in every step

which he took during his long career in Parliament were emphatically those who were least likely to make rash experiments upon the fixed laws and permanent institutions of the country, to get rid of any passing evil or to meet any ephemeral gust of unpopularity. He (Mr. Torrens) had still in his possession a letter written from Ossington in 1851, inquiring when a division would be taken against the second reading of a Bill which he felt it his duty to oppose, in common with the present First Minister of the Crown and the present Lord Chancellor, who staked and lost his seat upon the issue. It was a Bill brought in by the Government of the day, supported by all the weight of their rivals, and shouted for by an excited populace. But Mr. Denison was not a man to palter with old principles in deference to a sectarian cry or to escape a political difficulty. He fore-saw clearly that the measure would fail because it was unsound, and having a true love for the honour and dignity of Parliament, he voted in a minority of one to five against it, and its repeal as an absolute and abject failure he had the satisfaction as Speaker of putting to the House ere he left the Chair. Were he still amongst them, he would assuredly repudiate the empirical perversion of the measure that bore his name. In the brief record preserved in *Hansard* of what took place when the Bill of 1855 as brought in by him, two things were clear. The first that he meant it simply to legalize a pre-existing practice of Guardians to give in exceptional cases schooling to the children of persons who had out-door relief, and whom it was not desirable to send into the workhouse; the other, that if he had had his will he would have proposed to lay half of the extra charge upon the Consolidated Fund; and the reason he gave for not doing so in 1855 was, the exhausted state of the Exchequer—for we were then in the midst of the Crimean War. For he was an honest man as well as a humane man; and when taking in hand a merciful though small measure of relief to the poor, he neither forgot justice to ratepayers or the duty of guarding property in general against the influx of claims by the idle or worthless tending to swamp all thrift and to debauch all habits of self-help. When the Bill went to the Lords, the present Duke of Devon-

shire, who had charge of it, urged its adoption upon the clear and definite ground that the education of indoor paupers being provided for in workhouse schools, and that as these schools were capable of accommodating many besides, it was hard not to allow children of outdoor paupers to be taught there too, thus keeping wisely and carefully to the unobliterated distinction between pauperism and self-dependence—that vital distinction which the measure before them proposed to efface. Nor was this essential point overlooked or undebated in the Lords. A suggestion was actually made in Committee to oblige the guardians to give school fees to indigent persons generally. And how was it met, and by whom? Lord Granville defended firmly the true line taken by Mr. Denison and the Duke of Devonshire; and he warned the Peers that there would be great risk in adopting such a principle which would entirely alter the character of the Bill, and he counselled the Mover not to accede to it. The instincts of prudence and true policy swayed the Peers, and Denison's Act was passed without any departure from its original lines. He did not argue that it must never be changed; but he wished to mark distinctly the fact as it stood, that the Act of 1855 not only furnished no foundation for the present measure, but that properly weighed and estimated it was a strong negative pregnant against it. The Administration that sanctioned Mr. Denison's Act, and supported him in carrying it, contained not a few of the men who had taken part in settling the policy of out-door relief by the statute of 1833—amongst them was Sir George Lewis, then Chancellor of the Exchequer. How he would have opened his eyes had he heard it coolly proposed to break down the test of out-door relief, and to give not merely shelter or food in a casual ward to persons in absolute destitution, but to give so many shillings a-week to every parent who, living at home, might be able to convince the Guardians that he could hardly afford to pay for his children's schooling as well as his neighbours could pay it for him. Talk of justice, morality, or independence of feeling, with this unlimited exaction plan on the Table? It was mere trifling to talk of it as an extension of Denison's Act—it was its direct

opposite. The Act of 1855 adhered strictly to the principle of a wholesome test and free discretion in Guardians, which its author refused rigidly to waive. The amount annually bestowed on out-door relief in this country was £3,600,000, and of that sum at least two-thirds was spent on temporary out-door relief. He wished to know whether such an amount of temporary relief as that was to be withheld unless the children of the necessitous class were driven into the schools? It was a strange thing that a nation which was able to spend £75,000,000 a-year was unable to afford a few farthings for the education of the poor, but must throw the burden upon the already excessive local rates. He regarded the Bill as being a bad and demoralizing measure. After 18 years' experience, Denison's Act had been found to be a nullity in general, although it might have been put into force in some rare instances. Denison's Act was a permissive Act, and it was evidently not intended to be used for the purpose of creating a new pauper class. The hon. Gentleman concluded by moving his Amendment.

SIR MASSEY LOPES, in seconding the Amendment, said, he could add but little to the singularly able speech of the hon. Gentleman who had just sat down. He was glad, however, to have an opportunity of expressing his cordial concurrence in the course which he had taken. He objected strongly to the Bill, because it proposed to place on one description of property considerable additional burdens for what was undeniably a national purpose. He had always been an advocate for education, but had always considered elementary education a national need and national responsibility, and believed no greater fiscal injustice had been ever perpetrated than the imposition of an exceptional education rate upon owners and occupiers of real property. When the original Bill was introduced he had always protested against it, and had endeavoured unsuccessfully to limit the amount of rate; but unfortunately neither the House nor the country were sufficiently alive to the injustice that was then created. It appeared to him unjustifiable—he might almost say monstrous—before they knew the amount of responsibility incurred under the original Act, before they had experienced the full effect of that un-

known quantity of indefinite expenditure then fixed on the rates, before they were able to calculate the normal sums rate-payers would be annually called upon to contribute, that the Government should ask ratepayers to give them another blank cheque so as to enable them to relieve Imperial taxation by a further addition to local charges. The proposal, too, he thought, came at a very unfortunate time, for there was no question with respect to which the country was at the present moment so impatient as that of local taxation. The Government, however, although they had several warnings, as in the case of the Juries Bill, which they had been obliged to take back and alter, did not seem to perceive the temper on the subject which existed out-of-doors. The right hon. Gentleman at the head of the Government, it was said, only a week or two ago, was unwilling to ask the House to assent to any measure which would impose additional local charges. [Mr. GLADSTONE: No, no!] The right hon. Gentleman, it was true, had afterwards retracted his observations on that point; but he had retracted them only when he found out that so many Government measures depended on the extraneous assistance which was to be found in that quarter. When the Vice President of the Council introduced the Bill he told them that the Government grant had been less by £100,000 than the Estimate, and yet he proposed to add at least three times that amount to the rates. It was said, moreover, that the present Bill would create no new expenditure; but that was the old story, and burnt children very naturally had a dread of the fire. Indeed, the right hon. Gentleman the Vice President of the Council had stated, that if Denison's Act were made compulsory it would sweep 200,000 children into the schools who did not now attend them. Again, under the original measure, the right hon. Gentleman estimated that the education of pauper children would cost 30s. per head; but as the Government aid amounted at present to only 12s. per head, that left a sum of 18s. per head to be provided for those 200,000 children from other sources. This alone would amount to £180,000 per annum. He made this calculation under the voluntary system. But how would the case be, he should like to know, if all the children went into board schools? He believed that

the estimated cost of each child at the school board school was something between £5 and £8 per child, and those schools were, at all events, greatly more costly than voluntary schools. Making a very moderate computation, then—and he defied the right hon. Gentleman to prove his statement to be incorrect—he would put the cost of a child at a board school at £3. and if the Government only gave 12s. it would be seen what a large amount remained to be provided out of the rates. It must also be borne in mind that the parents were about to be deprived of the earnings of the children who were thus about to be sent to school, so that the question assumed a very serious aspect. One of the arguments which had been advanced by the right hon. Gentleman in favour of the original measure was that it would diminish pauperism, and that, as a consequence, the rates would be reduced; but while the Bill had been in operation two years the poor-rate levied was £500,000 more than at the commencement of that period, although the number of out-door paupers was 100,000 less than last year. Such was the state of things at a time of unexampled prosperity; what it would be under other circumstances he would leave the House to judge. The right hon. Gentleman went on to say that another effect of his proposal would be to reduce the police rate; but the police rate had, notwithstanding, in the same period, increased 3 per cent. He also assured them that in no case would the education rate exceed 3d. in the pound, and there was a provision to this effect in the first Bill that was introduced; but already had that amount been exceeded in 80 places where board schools had been established, one parish paying as much as 1s. 7d. and another 1s. 4d. in the pound. They were also told that the estimated expenditure would be divided into three parts, between the Government grant, the fees, and the rates. If fees were to be remitted, two portions, instead of one, must fall on the ratepayers. It was quite clear, he might add, that the Government were about to create a new Poor Law by means of such measures as that before the House. The Act of Elizabeth made provision for the sick and the destitute without any conditions; but the ratepayers were now asked to provide for the ignorant; and it was about to be made necessary for

the poor man, in order to obtain relief, that he should send his children to school. In his opinion, the House would not be justified in taking away from him the right to relief which the Act of Elizabeth gave him. Why should compulsory attendance be limited to the destitute? This was a new condition which the law of Elizabeth never recognized. It was the thin end of the wedge. The right hon. Gentleman had never concealed his views. He had always advocated compulsion. Because school boards had great difficulty in determining whether parents were too poor to pay school fees, it was proposed to transfer this investigation and responsibility to the Guardians; but they were very unwilling to take it, and as they were an unpaid body, they had no right to enforce it, without consulting their wishes. The payment of fees by school boards could not be confounded with pauperism. It was a great mistake, in his opinion, to associate education with pauperism. It would degrade education, because they enacted that the payment of fees should not constitute parochial relief; that declaration would not affect the moral and social issues—it would be a distinction without a difference. This proposal would tend to pauperize and demoralize; it would open up a new form and channel of Poor Law relief; it would tend to lessen the self-respect and self-reliance of the poorer classes. It would be impossible, in his opinion, to carry out the provisions of the Bill. Suppose a man or his wife met with an accident, they could obtain no relief unless their children, at a time when their earnings were most needed, were sent to school. As the relief was only temporary, there was no power to keep the children at school. Local taxation reformers had always had two objects in view—first, to oppose any addition in any shape to their local taxation, and next, to transfer burdens which they conceived to be national to the Imperial Exchequer. The Government had given local taxation reformers no inducement to falter in the pursuit of those objects. They had introduced three Bills relating to local taxation, but they had withdrawn two of them, and the third, instead of affording relief, would inflict fresh burdens; because, while taking away all exemptions from real property, it perpetuated all the exemptions in favour of personal pro-

perty. Since the present Government came into office—in 1868—they boasted that they had reduced Imperial taxation £9,000,000; but during the same period they had increased local taxation about half that amount. This Government Bill raised a larger question—it would induce many who were satisfied with the modest proposal of last year to make further and larger demands; to ask whether education was a national or local charge; to inquire, as national education was paid for by the State in Ireland, why a different system was adopted with public elementary education in England and Scotland? It would be a great dereliction on the part of local taxation reformers, and it would deprive them of their chance of ever carrying out the object they had in view, if they did not offer to the present measure the most vigorous opposition. The impending division would show who were true and consistent supporters of Local Reform and who were not; and the question they had to decide in regard to that Bill was whether special and exceptional burdens were any longer to be levied from one description of property only, and whether the owners and occupiers of real property were to be victimized and saddled with expenditure incurred for the benefit of the community at large.

*Previous Question* proposed, "That that Question be now put."—(Mr. Torrens.)

MR. TREVELYAN said, the Bill, by the removal of the provision transferring to the Guardians the duty of paying school fees, was practically turned into a measure exacting attendance at school as a condition of poor relief. It was to that part of the Bill that the very able and eloquent speech of the hon. Member for Finsbury (Mr. Torrens) was mainly directed. Now, the hon. Gentleman had not suffered the House to forget that he was a faithful Member for a portion of the metropolis. All his figures, arguments, and impassioned appeal referred to London and the few cities in the kingdom which were in an analogous position; and he left entirely out of sight a little fact which cut the ground from under his feet—namely, that in the metropolis and in the other great cities compulsory education was already the law in those districts where a great

number of the pauper children were sent to school at the expense of the ratepayers. That was not the case in the country districts. In many places schools had been built by voluntary subscriptions, and by the taxpayers, and not by the ratepayers. The taxpayers contributed largely to the education of the teachers, and there was a capitation grant of 5d., so that the maximum amount that came from the ratepayers was 2½d. Among those sitting opposite who cheered the hon. Member for Finsbury the only Gentleman representing a metropolitan constituency was the hon. Member for Westminster (Mr. W. H. Smith), who had introduced into the Scotch Bill that provision with which he cordially agreed, and which he regretted was to be struck out of this Bill, by which the Guardians, and not the school board, were made the paymasters of the fees of the children. Whatever support the hon. Member for Finsbury received elsewhere, he would receive none from those on that side who believed that every penny spent on education would be re-paid out of the £13,000,000 or £14,000,000 a-year raised in the form of poor rates and police rates. They must have gone back from their principles since 1870 if they objected to the extension of elementary education because it would cost money. Some serious objections had been urged by the body with which the hon. Member for Birmingham (Mr. Dixon) was connected. They did not grudge the money for educational purposes, but the shape in which it was paid, and were opposed to the Bill because it called upon them to pay a large amount of rates for the support of denominational schools. When that Bill was introduced he was so much disappointed by it that he thought it ought to be opposed on the second reading; but he had since seen reason to come to a different conclusion. The compact entered into in 1870 by the Prime Minister, as understood by the Nonconformists, was that the tie between the local boards and denominational schools should be severed, and that the latter, as compensation for the loss of the rates and to give them a fair chance of existence, would have an increase of 50 per cent in the capitation grant. He believed the 25th clause, which was so hateful to many persons, and which, as

*Sir Massey Lopes*

far as he could trace, passed *sub silentio*, was an oversight on the part of the Government, while it was clearly an oversight on the part of the Members below the gangway to allow it to pass, and he maintained that the fact of pauper children in some cases getting their fees in an indirect manner paid out of the rates was not an adequate reason for opposing this Bill, and he believed that it would so much improve the educational position of the country that he should give his vote for the second reading. The real objection which he had to the Bill was that the Government did not take the advice of the right hon. Member for Birmingham (Mr. John Bright), who said that the real solution of the 25th clause was that they should call upon the voluntary schools to admit gratuitously children too poor to pay fees. This was no great demand to make, either in a pecuniary or a sentimental point of view, for the amount was now only £5,000 a-year, and these schools were largely aided from the Consolidated Fund as regarded building grants, masters' education and salaries, and capitation grants. It was therefore no unreasonable appeal to them to take these children without payment. If, however, they insisted on payment from the rates, and if the Government permanently sanctioned a principle which was originally an oversight, he did not wish to oppose the extension to a class especially needing it on account of a very small additional sum being charged on the rates. The Government, moreover, had so far deferred to the opponents of the 25th clause as to abandon the proposed transfer of the charge to the Poor Law Guardians, which would have been a perpetuation of the system they objected to. After carefully examining the Bill he had come to the conclusion that it was an authoritative declaration of policy on the part of the Government that they were prepared to recommend compulsory education to the House, but that owing to particular causes early in the Session the House retraced its steps and the Session came to an end without the great boon of compulsory education. It had been said that compulsory education had not been introduced because it would not satisfy the Nonconformists. Now, if too little attention was paid to them in 1871, he thought too much attention had been

paid to them in 1873. He was glad that, as stated by the right hon. Gentleman (Mr. W. E. Forster), 9,000,000 of the people were now under compulsory by-laws, which at Bolton in six months raised the school attendance from 6,000 to 8,000; but he feared that the shrinking of the Government would weaken the hands of local boards in applying compulsion, and he was sorry the right hon. Gentleman had not been allowed to finish his work in his own way. He believed the Nonconformists would have approved the adoption of compulsion. Although he gave great credit to the hon. Member for Birmingham (Mr. Dixon), and the organization with which he was connected, he could not refrain from voting for the second reading of a Bill of which there was so much to approve and so little to complain.

MR. NEWDEGATE: I hope the House will permit me to state in very few words the course I intend to adopt on this Motion. The provision intended by the Bill is for the education of children who need education most, because the children of actual paupers are provided for in the union workhouse schools, of which the masters are paid out of the grant for education, while it is to be hoped that the children of the labouring classes are gradually being collected into the other schools, whether they be board schools, or whether they be voluntary schools. Therefore, I admit the force of the right hon. Gentleman's (Mr. Forster's) appeal in favour of the children, who come under neither branch of this category. But I feel also the great weight that ought to attach to the reasons which have been assigned in favour of the Amendment. Manifestly, this is a proposal to increase the burden upon the rates, and it is a proposal which, in that respect, is diametrically opposed to the assurance given to the House by the Government, and diametrically opposed to the decision of this House itself with regard to local taxation. The hon. Baronet the Member for South Devon (Sir Massey Lopes) stated the case against this measure as involving an increase of local taxation, with the knowledge and with the power that he always displays upon this subject. But the hon. Baronet did not cover in his speech one portion of his original proposition as embodied in his Motion against the increase of local taxation—

taxation, that is, levied on one description of property only. His original position was this—His Motion recommended the Government to avoid increasing the burden of local taxation by rating—in this manner—by adopting as a charge upon the Exchequer those expenses which are national—expenses required for objects the provision of which are already under Governmental inspection and control. I adhere to the whole of the original proposition of the hon. Baronet the Member for South Devon in this matter—the proposition which had the sanction of a majority of 100 in this House. I do not object to your providing for the education of the children of those who are obliged to apply for out-door parochial relief; but then I say, out of the Imperial revenue compensate the schools and compensate the ratepayers whether the schools be Board schools, or whether they be Denominational schools, to which these children are to be sent—for the burden you are about to cast upon them. You provide out of the Imperial Exchequer the salaries of the masters for the union schools; and I say to the Government that I will vote for your Bill, if you will undertake out of the Imperial revenue to provide an equivalent for the burden which you propose by this Bill to cast upon the rates, otherwise I shall vote for the Motion of the hon. Member for Finsbury (Mr. Torrens.)

MR. MELLY said, he did not think the Government had ever promised that education or sanitary reform should await the complete remodelling of local taxation; and hon. Members opposite seemed to be mistaken in thinking that there was any pledge that there should be no measure brought in which would increase rates until the whole system of local taxation had been revised. He had heard with deep regret the cold-blooded speeches of the hon. Member for Finsbury (Mr. Torrens), and the hon. Baronet the Member for South Devon (Sir Massey Lopes)—no one who had not taxation on the brain would sympathize with their arguments. There were 200,000 poor little children to be educated, and unless they were to go back and to undo what they had decided on in 1870, they must find the means of educating these children, and of compelling their attendance at school. This was the whole scope of the Bill. Was he to re-argue

the question whether ignorance was the fruitful mother of crime, and the cause of three-fourths of local rates? He had deemed it an admitted axiom that education was the best means of reducing the taxation attendant on ignorance and vice. The sole idea of the hon. Member for South Devon appeared to be that the local rates should not be raised. The hon. Baronet said that education and pauperism should not be associated; but, unfortunately, ignorance and pauperism had been always associated. The hon. Member (Mr. Torrens) ought to have met the question in a manly way by moving that the Bill be read a second time that day three months, and not by moving the Previous Question to catch a few stray votes on that side. His (Mr. Melly's) argument was that the children of persons who were actually in receipt of relief should be sent to school. The hon. Member warned them against tampering with the portion of the people who were on the edge of pauperism. But the Bill only dealt with persons actually in receipt of out-door relief. It made that relief conditional upon the school attendance of the children, and compelled the Guardians to pay 10 farthings a-week for 10 attendances at school. They had heard of the pockets of the ratepayers, of the consciences of religious people, and of the rights of the poor parents; had these poor little children no claim for consideration? They were many of them orphans under the care of very poor relatives, children of widows earning so bare a livelihood that the Guardians were already obliged to supplement it. The most neglected and degraded of our children, through no fault of their own, left destitute alike of proper parental care and of all education facilities, condemned to a life commencing in the lanes and gutters, ending too often in a police cell or gaol, had also rights. He attached more importance to their right to a week's schooling at 2½d., than to the outcry of the hon. Members opposite about local rates; and the division would show that the representatives of large constituencies on both sides of the House had small sympathy with the nightmare of municipal taxation, when compared with the claim of these 200,000 little ones to a chance of escaping through the school-room from an idle and vagrant life. The hon. Member, of course, asserted that the Bill

was unworkable. He (Mr. Melly) was once a Guardian of the poor in Liverpool, and Denison's Act, now sought to be extended, had been worked most usefully in that large parish. The hon. Gentleman the Member for Finsbury (Mr. Torrens) said, the remedy was like laudanum or strychnine, and could only be administered in small quantities to extreme cases. It was regularly administered every week, and proved a healthy and invigorating beverage, popular with everyone. Every Monday the Guardians, before giving relief in money and bread, required a card showing the school attendance of the children of the family they were relieving. The hon. Member for Liverpool would show in detail that in Liverpool Denison's Act had worked very beneficially. The class in question there were chiefly the children of widows, whose absence from school was due to carelessness, and it was in many cases easily enforced by making a certificate of school attendance a condition of relief. Paupers, of course, preferred out-door to in-door relief, and the former might all fairly be made subject to this condition. If they received in-door relief, the children would attend the workhouse school without question under existing Acts; if they had any relief at all, it would be inconsistent not to insist upon the terms of the Bill. The hon. Member for Finsbury, asserting the right of a pauper to refuse to educate his child, though a free education was offered him, said—

"The law of England was that every man had a right to food and shelter; but now it was proposed to make relief conditional upon the children of the person relieved being sent to school."

And the hon. Baronet (Sir Massey Lopes) said—

"The House would not be justified in taking away from him the right to relief which the Act of Elizabeth gave him."

The Act of Elizabeth gave no right to in-door relief. If the condition be refused, make the pauper come into the house, send his children to the workhouse school, and let him go to the stone yard. The difficulty was purely chimerical. The unfortunate parents who were compelled to ask for parish relief would gladly send their children to school. Again, the hon. Member was badly informed when he said, "the 'dandy rich parishes' of London would

escape the rates, and the poor of the East End would have to pay still heavier rates." He must know that under existing Acts in the metropolis the charge would fall equally on Belgravia and Bethnal Green, and he believed the whole expense spread over all the unions of England would not exceed £120,000. It was well worth while for Parliament to pay 15*s.* and the Guardians 8*s.* 6*d.* per annum to take a child out of the gutter and educate him at a board or denominational voluntary school, where he would mix with other children of a better class. Moreover, it was much better both for such child and for the country that their parents should keep up a home, no matter how poor, than that they should be brought up in the workhouse, in the atmosphere of confirmed pauperism, of which it had been well said, "once a pauper, always a pauper."

In comparison with the benefit to the children, the arguments as to the expense had no weight with him, but the hon. Baronet's calculations were most erroneous. Forty weeks' schooling at 2*½d.*

—[Mr. GLANSTONE: The maximum.]—as his right Friend said at the maximum, the charge was 8*s.* 4*d.* a-year, which would come on the rates. It could hardly be hoped that more than 150,000 of the 200,000 would be got into school, so the unions would not have to pay a sum of more than £70,000 or £80,000, and the Consolidated Fund would find £100,000 more. [Mr. TORRENS: Clothes?] The hon. Member said they must be properly clothed before they could be sent to school; but under the often-quoted Act of Elizabeth, the Guardians were compelled to feed, lodge, and clothe their poor children. He wished they did it more efficiently; any way, the clothes would have fairer wear and tear in morning and afternoon school than all day amid the ditches or gutters. The Bill would in the end diminish the rates, and as to the expense which was likely to be immediately cast upon them, it seemed to him that so far from being anything like £480,000 a-year, it would not exceed £100,000, or £120,000 a-year at the most. He hoped that the House would not be led away by the miserable cry about the increase of local taxation. He could not believe that hon. Members opposite would take such an inconsistent course. Were the speeches of 1868 and of 1870 forgotten? Was it necessary to

allude in this House to the benefits of factory legislation? Hon. Members opposite then insisted that even when a child was learning the lessons of order, obedience, and industry in its daily work, it should go to school; would they that night insist that 200,000 pauper children, now learning the lessons of idleness and pilfering, should grow up in the lanes and streets with no other knowledge. The hon. Members opposite in no degree represented the feelings of the ratepayers in their exaggerated dread of taxation. He (Mr. Melly) was sent there by 20,000 working men—not to save their money unwisely, but to spend it well. He cared not whose religious prejudices he might offend, or even if for a moment he separated himself from some of his friends. This Bill opened the hope of educating 200,000 little neglected children, and on that ground alone would have his earnest support, even at an increased cost to ratepayers already overburdened. For if money judiciously expended in sanitary improvements was wisely invested if it ensured health—the most valued possession in this world—how much more wisely might they invest their money in the education of these little children, for it would not only render their lives on earth more useful and happy, but would conduce to their eternal welfare.

MR. HEYGATE said, the Bill left untouched the right of a parent to choose the school to which his children should be sent. Therefore, hon. Gentlemen on that side of the House had gained a great point, and ought to support Her Majesty's Government as far as they consistently could. Although he admitted that the local taxation question was of vast importance, the hobby might sometimes be ridden a little too hard, as in his opinion it had been on the present occasion, when they were about to obtain education for 200,000 pauper children at the smallest expenditure. At all events, he should not be deterred by that cry from recording his vote in favour of the Bill. Nevertheless, he was much disappointed at some of its omissions, and there were two points to which he particularly desired to draw attention. The first had reference to sanctioning the erection of unnecessary schools, and the consequent raising of loans in order to defray the cost of the building. He had been requested to

mention publicly what had occurred at Keyworth, in Nottinghamshire, a parish which, in 1871, had a population of 749 persons. There was school accommodation for 133 children, with a proper proportion of space, and the school had been pronounced efficient and suitable by two Inspectors, and this had been acknowledged to be so by the Education Department. There was, however, a school board at Keyworth, the members of which resolved, by a majority of 3 to 2, to apply to his right hon. Friend for the sanction of his Department to build another school in the parish for 241 children, and for power to borrow money for the erection of the school. Thus provision would be made for the education of 374 children out of a population of 749. He was sorry to say that the Education Department sanctioned the application of the school board for this unnecessary school; but they declined to recommend the Public Works Commissioners to grant a loan, although they consented to the raising of the necessary money on the security of the rates. It appeared that, although the Education Department acknowledged that they could not divest themselves of the ultimate responsibility in every case of deciding as to the sufficiency of accommodation, they said they were advised that they had no power to prevent a board from providing such additional accommodation as might, in the opinion of the Board, be necessary. Now, if the Education Department had no power to forbid the raising of money on the security of the rates, for building schools which were wholly unnecessary, that was a state of things which required amendment, because the proceeding was against the spirit and intention of the Act of 1870. Such an application as he had alluded to could only have been made for the purpose of killing by inches the existing voluntary school. If it were intended that the school board system should supplant the voluntary system, the fact ought to be openly avowed instead of the result being brought about by a side wind. The intention of that Act was that the two systems should go on together *pari passu*, and if it had not been so it would never have received the assent of the House. Another grievance was that when once an application for the establishment of a board school was rejected it was in the

*Mr. Melly*

power of a certain small number of persons who signed a Petition to re-open the question every 12 months. And such an occurrence was not only possible, but had actually taken place. In the division of the county he represented there existed a parish where, in the face of an excellent school, efficient in all respects, a noisy minority, led on by a few political agitators, had already, in two successive years, subjected the inhabitants to all the evils and expense of a contest, and were now, for the third time, demanding a poll in the hope of worrying the ratepayers into the establishment of a school board; and, though every year defeated by increasing majorities, there was nothing to prevent them from an annual repetition of such conduct. That might be viewed as a means of driving those who supported voluntary schools to the abandonment of those schools. If that was the meaning of it they should state so honestly and in the face of day; if not, the power given to a minority to revive the controversy should be limited to a certain number of times. He hoped that the Government would give their earnest attention to these points.

MR. CHARLES REED said, that while under no circumstances could he have voted for the Amendment, he was glad, after hearing the clear and candid statement of his hon. Friend, to reverse the decision he had arrived at to vote against the Bill of the Government, and to support that measure in its amended shape in the interests of national education. He thought the House was in danger of losing sight of the real objects of the Bill in a discussion wandering widely from the real mark. He was in a position to say that its provisions were most valuable, and though the Bill might be called a small one, it was most important. Many of the clauses had been framed specially to meet the views of school boards, whose suggestions had received the fullest consideration by the Department. It had been said that the Bill was unnecessary; but it was essential to provide for the coming elections, as was done in Clauses 5 to 9. Then Clauses 22 to 24 had reference to legal proceedings; and great facilities were afforded to work out a system which would make compulsion possible, without the hateful pressure of coercion. This question of irregular attendance was, after all, of the utmost moment,

as would be seen when he reminded the House that in London alone 64,559 children were absent from school, and 46 per cent of them without reasonable excuse. Now, under the bye-laws of the London Board, 117 visitors were constantly employed—first having ascertained the number of children by house-to-house visitation—in enforcing attendance at some efficient school. If the first notice was disregarded, a summons was issued; the parent met a local committee; and at this point so strong had been the moral suasion, that 60,000 children had been drawn into schools within two years and a-half; and as the visitors were forbidden to direct the parent where to send the child, the fullest choice had been secured, with this result—that 44,400 children had selected existing voluntary schools, and 15,600 the temporary schools of the Board. It was not surprising when a child was earning wages that the parent should shelter himself under any pretext for not sending his child to school; and it was most difficult for the Board to prove the age of a child before a magistrate. This Bill placed the onus of proof upon the parent instead of the visitor; and the school register was to be taken as evidence of non-attendance in place of the teacher, who could not leave his work to attend a Court of Justice. These two provisions, he contended, would greatly aid school boards, and make the duty of the magistrate more easy; and it must never be forgotten that it was one thing to pass a compulsory clause, and another to work it. The object here was to facilitate its operation. The hon. Member then having adverted to Clause 11 and the borrowing power of school boards, referred to the Industrial Schools Act and the Amendment proposed to be made in it. The School Board had inquired into 1,803 cases of children found on the highways and under the arches of our railways. In the quarter ending June 24, 1873, of 312 inquired into, 53 had been warned and restored to parents from whom they had wandered; 7 were sent to their parishes; 7 to reformatories; 264 were brought before magistrates; 173 were sent to certified industrial schools; 50, under Section 16 of the Act, were taken, having been declared by the parent to be uncontrollable. This latter class were taken at great cost, and the ten-

dency of the parent, he regretted to say, was too frequently to plead this inability to control. The School Board for London had proposed that the father should be made to contribute to this cost a sum of not less than 2s. weekly. The chief interest of the debate, however, centred in the 3rd clause; and, objectionable as Clause 25 in the Act was, he had at once felt that the proposal to force the indigent poor upon the rates was more objectionable still and must be strenuously resisted. The abandonment of that portion of the clause put an end to discussion, and it at once removed his chief objection to the measure. Clause 3 had reference to the expenses of education. Now, it was known to the Committee that the school boards had power to charge a fee and to remit such fee to poor children, or to pay for them the fee of any other efficient school selected by the parent. Now, there were at present 574,693 children in London between 3 and 13 requiring elementary instruction. 216,822 of these were on the rolls of efficient schools; 65,294 were in inefficient schools; and 82,692 were not in any school. In course of time No. 2 would be absorbed by No. 1, since all schools must make themselves efficient or close their doors, and No. 3 would be left to be dealt with. This 82,692 consisted of—(1.) Out-door pauper children; (2.) Children of indigent poor, not on the parish; and, (3.) Out-cast children, criminals and orphan children living with persons not legally responsible for their maintenance. For class No. 1 Demison's Act ought to provide, since the children of all paupers were under the charge of the Guardians, who, in London, exercise a wise discrimination as to their education. The London School Board put the case of the pauper children before the Local Government Board representing that, whereas 40,000 children might be educated under that Act, not more than 4,000 were at school. In consequence of that action the Local Government Board issued a Circular to the Guardians. He would not detain the House by reading more than a few passages.

"The Guardians were empowered to grant relief, so as to enable any poor person to provide education for his child."

It further urged

"that the Legislature intended that education

*Mr. C. Reed*

should be provided by the ratepayer," and said, "that the Guardians should, upon each application for relief, ascertain whether the children of the applicant are being educated, and if not, the Guardians should afford the parent such relief as may enable him to comply with the law, which expressly contemplates that his children shall be educated."

And to prevent abuse the Circular went on to say—

"If any parent should abuse the confidence which the Guardians repose in him, in respect to the use of the money so provided, the Guardians have an immediate remedy in their hands by stopping or varying the form of relief."

Well, the reply of the Guardians was unfavourable, and they did object to employ their machinery for the purpose. But if this permissive power were made obligatory and limited to pauper children, their own peculiar charge, he (Mr. Reed) did not believe there would be any difficulty felt. The Guardians would soon see that they could thus prevent the construction of new machinery at great cost; they would not have to educate, but to see weekly the school certificate; and the charge would not be on the parish, as at present, but on the common fund. In fact, the school board must look to the Guardians. Their first duty was to require parents and Guardians to secure the education of their own children. The question was not an open one, and this was certain—that in school board schools the pauper child would have an education not inferior to any others who were sent there for instruction. Class No. 3 came under the Industrial Schools Act, which, for their purposes needed fuller development, and No. 2 was under the operation of Clauses 25 and 17 of the Elementary Education Act 1870. He had never been in favour of Clause 25, and in the metropolis it was not needed. He was not now going to discuss the question, but he wished to tell the House his experience as to those classes who it was stated could never pay school fees. When the Bill of 1870 was before the House it was repeatedly affirmed that the children in ragged schools would all have to be paid for, under Clause 25 in voluntary schools. Now a large number of ragged schools had been transferred to the London School Board and probably 8,000 children formerly accustomed to pay nothing, had come under the fee system. Well, the parents liked the fee system, and

with the exception of a very few, every child came with its penny on the Monday morning. The parent felt pleased to pay something, it was a good feeling to cherish that he was paying for the education of his boy, and though it took many pence to pay the whole cost of the child, it was a wholesome habit to get the parent to acknowledge his responsibility. The Board had at present 157 schools, and not one of them was a free school. The voluntary school fees usually ranged from 4*d.* to 6*d.* These fees were too high, but the class of children was meant to be select. The Board schools must take the poorest, and what was wanted was a low fee, an arrangement as to half time, and some outside help for food and clothing for children who were utterly poor and friendless. All this ought to be done without any appeal to the Guardians and so far as the children of the indigent poor were concerned their education must never be connected with pauper support. Let no parents or children be forced to the workhouse door, they would go for clothes if they went for school peace, and once familiarized with the receipt of relief, the area of pauperism would be indefinitely widened. On the whole he gave his support to the Bill on the second reading.

SIR CHARLES ADDERLEY said, he should be sorry to allow this discussion to pass off without expressing his reasons for giving the measure his hearty support. He thought those who were objecting to the Bill were taking a course which was opposed to the cause which they advocated. The Bill itself had many useful provisions besides the 3rd clause, which had been made the principal subject of debate. It was, in fact, a collection of various useful Amendments of the Act of 1870. Although he was no friend of the principle of the ballot, he nevertheless confessed he saw some advantage likely to accrue from it in the elections of members of school boards. The clause extending the period of loans he viewed with considerable satisfaction. He also highly approved of the provision for enabling school boards to form unions of districts. He was much surprised to hear objections raised to the clause enabling school boards to receive gifts, and to find that they had sufficient weight with the right hon. Gentleman

to induce him to modify such a clause. The objections raised to the 13th clause rested, he thought, on a very refined and unpractical sentiment. The sole remaining object of the 3rd clause of the Bill was to make Denison's Act more operative and compulsory, and to bring it to bear on what were called half-timers. He was astonished at the opposition to that clause. Denison's Act had been universally approved. The only complaint he had heard in respect of it was that it had been too little carried out. It appeared to him somewhat short-sighted, when they were trying to solve the difficult problem of compulsory education, that it should be considered a sufficient objection raised to the measure that it might increase the charge on local rates. It was in the very interest of removing the partial incidence of rates upon one species of property that he gave his support to the present Bill. The arguments of the hon. Gentleman who moved the "Previous Question" would go much further than he intended, for they would be equally applicable to a proposition for throwing poor rates and all educational rates upon the national fund. Of all the charges and burdens placed upon the rates, it appeared to him that this charge for the education of dependent poor children was the most justifiable, inasmuch as it ultimately became remunerative to the very rates first burdened. He looked upon this expenditure in the light of a profitable investment. The objection made to it was like that of the most benighted farmers, who thought avoiding all expenditure the way to get rich. Whilst expressing his gratification at the abandonment of the second part of the 3rd clause—namely, the transfer of the payment of school fees for pauper children from the school boards to the Guardians—he must frankly say he objected to the creation of a semi-pauper class that was involved in the abandoned paragraph, and in several of their recent enactments. That he thought a wrong principle to go upon. He took it that a man who received support out of the pockets of others for any of the necessities of life—shelter, food, or education of his children—was a pauper. But he hoped that this Bill, as well as all measures for the education of the poor, would rather be calculated to elevate them from paupers to independence and self-reliance,

There should be no connection between the workhouse and the national school. He hoped that the industrial and reformatory schools would become an organized part of the national education of this country. There was a lingering heresy which still kept them, mixed up as they were, connected with two other departments, and neither with the department they properly belonged to. The right hon. Gentleman had wanted, by the dropt clause, to propitiate the League, but had failed in doing so; and he trusted that the right hon. Gentleman would perceive now, if he had not done so before, that it was a hopeless task to attempt to conciliate those who were determined never to be satisfied; but with a sacrifice of more than he would give up—namely, to get schools away from the religious bodies who had hitherto made and supported them. Moreover, in his view, it was not worth while to attempt to satisfy the demands of a clique who were daily losing ground in public estimation. The Bill, as altered, might not do much, but what it did was likely to prove useful; and if it failed to carry out the first intention of its authors he was sorry, but he thought they should not lose the Bill on that account.

MR. SALT said, that owing to the alteration which had been made in the Bill in the course of the evening, it was impossible to pronounce at once a decided opinion as to what was likely to be its effect. He might, however, observe that he did not share in the objection urged by those who contended that an amending Bill ought not to be introduced before the original measure had practically come into full operation. The Bill of 1870 made a great change in our educational system, and it was only natural that it should require early amendment. But then ample time should be given to consider the Amendments proposed, while as to the proposal under discussion, his view was that it was not sufficient for the purpose intended, although it might be good so far as it went. He should be glad, therefore, if the right hon. Gentleman would withdraw the Bill altogether, and be satisfied with merely passing through the House one of a departmental character this Session. The main objection to the Bill, however, was raised from the position of the ratepayer, on whom

it was said that it would lay large additional burdens. There was no doubt that of late years there had been growing up in connection with education a great expenditure which was not open to public criticism, or to discussion in that House, and with respect to which the ratepayer was absolutely helpless. That expenditure was imposed on him by the sole and irresponsible will of a great Department; and it was an expenditure which, according to recent accounts, reached no less a sum than £325,000, of which £28,000 was spent in elections, £64,000 in the administration of school boards, while a sum of £62,000 came under the head of other expenses for which no explanation had yet been offered. And it should be borne in mind that the case was one in which there was, practically, no appeal; for that which was called an appeal in the Act of 1870 was a pure delusion. The Department, if a certain number of the inhabitants of a locality complained that the claims made upon them were too heavy, might send down an officer to report on the matter; but it decided on the report without any control being given over its decision. There was an instance occurring in his own borough—Stafford—to which he would advert by way of illustrating his argument, and because he might not have another opportunity of entering a protest with respect to it. The school board in the borough of which he was a Member had succeeded in reconciling all parties, and had done their work efficiently. They had recently had a demand from the Education Department to build schools for the accommodation of 1,062 children; but at the same time, upon making inquiries, they found that they had in the existing schools vacancies for 402 children. The Department said it was necessary to supply school accommodation in the elementary schools for one-sixth of the population; but that was mere theory. A gentleman who had been long engaged in the practical business of education stated that, after an experience of many years, he had never succeeded in getting into his schools more than one-twelfth of the population. For his own part, he believed that one-tenth was much nearer the figure, and if that were the case what was the use of building school accommodation for one-sixth? Moreover, their own Inspector,

*Sir Charles Adderley*

an active and respected officer, stated his belief to be that the greatest number of children who were not in the schools, and who ought to be in them, was only 12. When these figures were made public, as they must be, their effect would be to make the people say they would pay no rates. In the evidence given by the Secretary of the London School Board, before a Committee of the other House, that gentleman said, taking round numbers, that there were 100,000 vacancies in the schools of the metropolis. The Department required the school board to provide accommodation for 200,000 children, and the calculations of the Secretary himself made out that it was necessary to build schools for 100,000 children, and that this would cost £1,100,000. The Department required that there should be new schools built in London for 200,000 children, at an expense of £2,200,000 on the rates, when there were actual vacancies in the schools for nearly 100,000 children. During the last 20 or 30 years under the old system, which had been more successful than it received credit for being, they had been dealing with the best class of workmen and peasants, who were, more or less, willing to send their children to school. Now, however, they were coming to the lower strata, and rightly so, because it was worth any trouble and expense to get them into their schools; but they would be dealing with a class more scattered, more shifting in their habits, more difficult to get at, and often hating instruction and religion. Were they to proceed upon theories and figures which practical men did not support, and to make the people pay for the building, at an enormous cost, of schools which would never be filled? The Secretary of the London School Board, in a light and airy way, said he only went for new accommodation for 100,000 children, which would only cost £1,100,000, or a halfpenny in the pound, for 50 years. So that the property of two generations was to be mortgaged to build schools that would never be filled. If the people were to be forced to expend money needlessly in that way, the effect would be that the cause of education instead of being promoted would be thrown back 40 or 50 years. He had felt great hesitation as to how he should vote on that Bill. He had come down to the House with the

intention of voting for the second reading; but he found that the Bill had been thrown into a new shape, so different from what it was at first, and so uncertain in its results, that he thought the best course was delay, and the only way to achieve delay would be by voting against the Bill. No Notice had been given of this change which the measure had just undergone, and he had had no opportunity of communicating with his constituents to ascertain their feeling upon the subject. It was necessary that both the House and the country should have further time for reflection. He should give his vote against the Bill with extreme reluctance; but he should do so in the hope that if this measure was lost the right hon. Gentleman (Mr. Forster) would introduce a purely Departmental Bill for the present Session, and leave the difficult and momentous questions which had arisen to be dealt with after more mature consideration had been given to them.

MR. H. RICHARD: \* I cannot say that I feel any great interest in this Bill one way or the other. It seems to me, a poor and peddling measure, and as an Amendment of the Education Act of 1870 utterly insufficient and unsatisfactory. I admit the Government was in great difficulty in any attempt they might make to amend the Act. But it was a difficulty of their own creating. In my opinion, that Act was built upon false lines from the beginning. The right hon. Gentleman the Vice President undertaking to construct a system of national education, chose—in the face of all entreaties and remonstrances addressed to him by those who were his fastest political friends, and who had hoped that he would have worthily represented their principles and feelings in the Councils of the Queen—to frame his whole measure in such a way as to make it not national but sectarian. Such a representation coming from me may be regarded with suspicion, because I am thought by some to be an extreme man on this question. But I will give you the opinion of one who is not open to that exception, a member of the Wesleyan Methodist body, who are not esteemed political Dissenters. The Rev. William Arthur—perhaps the most distinguished and influential minister of that powerful denomination—at the meeting of a special representative com-

mittee appointed by Conference to consider this matter, which met in London in December last, thus described the measure of 1870—

"What with the remission of fees, with the subsidizing of the denominational schools, with the deferring of the time for stopping the building grants, and with the increase of 50 per cent, he (the right hon. Gentleman) held out such a stimulus as this country never had before for the moneyed people to rise and buy out of the hands of the Government the right to control, by education, the religion of the poor. I say that was a transaction that burnt a mark into the memory of honest men. Such a turn given to the Bill altogether altered the conditions of it, and constituted the denominational part of the Bill, the national system, attempting to make the national part of it, the supplement and the exception."

I have always regretted that the Prime Minister—who I believe has far sounder and broader views of what a system of national education should be than the Vice President of the Council, and whose regard for the interests of religion is certainly quite as much above suspicion as that of the right hon. Gentleman—did not with a firmer hand control his wilful and rebellious lieutenant. He would not then have witnessed what he now witnesses—the alienation of his friends and the exultation of his opponents. It was impossible not to be struck with the reception accorded to this Bill when it was introduced by the right hon. Gentleman three weeks ago. All the cheers with which it was greeted came from the other side of the House, and the shouts of exultant and derisive laughter with which the few words of disappointment as to the character of the measure, uttered by my hon. Friend the Member for Birmingham (Mr. Dixon) and myself were received from the same quarter, ought, I think, to have awakened some misgiving in the heart of the right hon. Gentleman. Not that I blame the hon. Gentlemen opposite in the least. They have the best right in the world to triumph. They have found in the ranks of the Liberal Government a more perfect instrument for their purposes than they could have found in their own. Nay, I will go further, and express my firm conviction that if the party opposite had been in office, and had taken in hand to frame a scheme of national education, we should have had from them a more fair, just, and liberal measure than has been given to us by the present Government. I think I have

some good ground for this conviction. I have read a speech made by the Duke of Marlborough when he was at the head of the Education Department under the Government of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). And I was struck with this fact—that all the references made by the noble Duke to what is called the religious difficulty and the scruples of the Dissenters were most respectful and considerate, and he went so far as to say that if schools were ever supported out of the rates, they must be purely secular schools. I will give the House his own words. Describing various plans that had been suggested for meeting the educational wants of the country, he comes to "the plan of raising rates over limited areas and for local purposes." The noble Duke then proceeded—

"Here we are met with a very great difficulty in regard to what shall be the denomination of the schools. I see no conclusion, no escape out of the difficulty that would be created by such a plan, other than that of the schools being secular schools. That is the proposal made by the right hon. Gentleman (Mr. Lowe), who has, I think, fairly viewed the difficulties of this position. He has seen that if you have schools supported by local rates, whether they be few or many, it would be exceedingly difficult to escape from the position that they must be secular schools. I do not think we are at present prepared to adopt a system of purely secular schools supported out of public rates."—[*3 Hansard, cxci. 115.*]

Besides which, I must say for hon. Gentlemen opposite, that so far as I know, they never asked for those portions of the Act which have given to the scheme its distinctly denominational character. Nobody asked for the extension of time for building grants. Nobody asked for the 25th clause. Nobody asked for the additional grants to denominational schools. Indeed, I remember the hon. Member for Berkshire (Mr. Walter) making an able speech on an Amendment I moved, objecting among other things to the proposed increase of grants to denominational schools, in which he stated that if there had been nothing else but that in my Amendment he would have supported it, and expressly on this among other grounds—that "nobody had, as far as he was aware, ever asked for an increase of the grant." All these clauses of the Act were gratuitous contributions of the right hon. Gentleman towards the extension and development

of the denominational system. I am at a loss to conceive for what purpose the right hon. Gentleman introduced the proposal to transfer the payment of the fees of indigent children from the School Boards to the Board of Guardians. Whom did he hope to conciliate by such a proposal? In his speech on introducing the Bill, he referred to "many persons whose opinions the Government were bound to respect," and whose views they were most anxious to meet by this alteration. Who are those persons? Not the party opposite, whose Minister of Education he is, for I suppose they are perfectly satisfied with the 25th clause. Not the Nonconformists, for no sooner was the idea bruited six months ago than most explicit representations were made to the Government that such a mode of dealing with the question would be regarded by them rather as an aggravation than a relief of the grievance of which they complained. The change did not in the slightest degree touch the objection of principle raised by the Nonconformists. As it is expressed in some resolutions passed by a portion of the right hon. Gentleman's own constituents at Bradford—

"The objection of the friends of religious equality is not to a particular agency by which such an appropriation of public money is made, but to the principle of the payment of rates to denominational schools by any and every agency."

I need not dwell further on that, since the right hon. Gentleman has been obliged to withdraw that part of his scheme because there was a general insurrection against it through the whole country. Now if the House will bear with me a little longer I should like to say a few words on another part of this question in which I feel a very deep interest, and in respect to which I am anxious to set myself right with the hon. Gentleman opposite and with the House generally. I mean the question of religious instruction in day-schools. I do not question the perfect sincerity of those who maintain that religious instruction should be given in day-schools. I believe many of them are prompted by the purest motives—by genuine anxiety for the moral and spiritual interests of the people of this country. But why should they not accord the same credit for sincerity and purity of motive to us who hold that religious instruction can-

not without great injustice be given in schools supported out of public money? It is not a pleasant thing to make professions of regard for religion in this House. It may well appear ostentatious and offensive to many. But we are driven to it by the accusations brought against us out-of-doors by men of high position. Dukes and Marquesses and Bishops are continually charging us with trying to deprive the people of this country of religious education. Some time ago I received a paper at the head of which were the respectable names of the hon. Members for Halifax (Mr. Akroyd) and Manchester (Mr. Jacob Bright), in which all who do not agree with the Educational Union as to the way in which schools should be conducted are branded as "the enemies of religion." Sir, I repel the imputation. I am not an enemy of religion. On the contrary, it seems to me that, without religion, without the hopes it inspires, without the consolations it affords, without the prospects it opens out before us—

"Life's but a walking shadow; a poor player,  
That struts and frets his hour upon the stage,  
And then is heard no more."

But there may be a difference of opinion as to when and by whom religion should be taught. Indeed, I cannot better set forth the views of what is called the secular party than in the words of one whose opinions, especially on the education question, will be heard with respect on all sides of the House—I mean the right hon. Baronet the Member for Droitwich (Sir John Pakington). Speaking in this House some years ago, the right hon. Baronet said:—

"It is not the object or intention of the secular party to deprive the children of England of religious education. I believe their object is quite the reverse. I believe that so far from that being the case, the gentlemen who are most prominent as the leaders of the secular party are as sincere and zealous, and as deeply impressed with the necessity of religious instruction, as those who profess to belong to the religious party. I believe that the difference between the religious and secular party is not so much a difference of principle as it is a difference of time and place. The most eminent members of the secular party, looking at the sacred nature of religious instruction, think that school is not the best place for imparting it, and that, above all, schoolmasters, speaking broadly and looking at the character of schoolmasters, are not the men to whom they could safely trust religious instruction. I cannot deny that there is force in this view, though I must confess my own opinions are on the other side."

I have to thank the right hon. Gentleman for this just and candid exposition of the sentiments of those who hold the views of the secular party. The principle for which you contend—that religious instruction should be given in State-aided and rate-aided schools, and that the conscience of the parent should be the test of what that religious instruction should be—is one, I maintain, altogether incapable of consistent and logical application. You cannot carry it out without inflicting gross and manifest injustices, and involving yourselves in endless and inextricable embarrassments: Look first at the injustice. What is the position of the State in this matter, or of any authority which the State may call into existence and empower to act on its behalf? I will answer in the language of the great literary organ of the party opposite—*The Quarterly Review*. In a singularly able and liberal article, which appeared in that periodical more than 20 years ago, when reviewing Dr. Hook's celebrated pamphlet, the writer says:—

"The State, according to the existing constitution of these realms, can make no exclusive grants from the public purse. Her Majesty is the Sovereign of her whole people, whatever their religious creed. Parliament represents alike the Churchman, the Roman Catholic, the Independent, the Unitarian. Revenue raised for purposes of education, whether from the Consolidated Fund or by local assessment, is paid alike by the Archbishop of Canterbury and the follower of Johanna Southcote. The State being absolutely precluded from all partial assignment of its funds for the benefit of one religious community in forming a plan of popular education, must take one of two courses; either it must exclude religion altogether, or it must find some neutral ground, some conciliatory plan on which the State teacher may inculcate certain points of religion without giving rational offence to any."

The writer then proceeds to say that all that can be done in schools for the nation is not to teach religion so much as to diffuse a certain religiousness of spirit through the school. Now, Sir, I look upon the passage I have just read as to the relation which the State bears to all classes of its subjects, as perfectly just, and as indicating clearly the wrong that is done by the appropriation of public money to the support of denominational teaching. But I go further, and say that you cannot apply your principle without doing dishonour to religion itself. You have a vast Empire, comprising all varieties of religious faiths,

The time will come when you will have to care for the education of all these people. You have within your dominions millions of Mohammedans, of Hindus, of Buddhists; and must you, in deference to the principle that the conscience of the parent must be consulted, teach all these faiths in schools supported at the public expense? If you did that, do you imagine you would be thereby honouring religion? You would, in effect, be putting in the mouth of a Christian State the memorable dictum of Gibbon that all religions are equally true to the vulgar, equally false to the philosopher, and equally useful to the State. But there is no necessity to go to the East for an illustration of the difficulty which besets your principle. You cannot, you do not carry it out in Ireland. During the discussions that took place on the University Education (Ireland) Bill there were some curious and edifying acknowledgments which some of us on this side of the House watched with great interest. The hon. and learned Member for Londonderry (Mr. C. E. Lewis) in his able maiden speech, told us that he had come fresh from contact with his constituents, and that the one charge they had impressed upon him was to protest against and resist denominational education. He appealed to us below the gangway to be faithful to the cause of undenominational education, in apparently perfect unconsciousness that the appeal should have been addressed, not to us, but to his Friends who sat behind him. But a much higher authority, as the hon. and learned Member for Derry will, I am sure, allow me to say, the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) stated in most explicit terms that we were obliged to deal with Ireland on the principles of secularism. Indeed, as my hon. and learned Friend the Member for the City of Oxford (Mr. Harcourt) said later in the discussion, he talked pure League for a quarter of an hour. It was very gratifying to me and to many others who greatly respect and honour the right hon. Gentleman, to find him thus beginning to come to his right mind on this subject. It is true he applied some unsavoury epithets to secular education. But that does not signify. Epithets are but words; but he lent the sanction of his name and

authority to the principle.' The case now stands thus: hon. Gentlemen opposite and some on this side of the House declared that religious instruction is with them a matter of principle. It is not all a question of expediency but conscience. To omit religious instruction from education is to them something dreadful—a wrong to the child, a violation of the conscience of the parent, and a dishonour to religion itself. Very well. But how comes it to pass that what is a solemn principle on one side of a narrow channel ceases to be a principle on the other side of the same narrow channel? No one will venture to say that it is right to have denominational education in this country, because the greater share of the teaching falls into the hands of the Church of England, and the Church of England teaches truth, and that it is wrong to have it in Ireland, because the greater share of the teaching falls into the hands of the Roman Catholic Church, and the Roman Catholic Church teaches error. That is the principle which forms the very basis of religious persecution, because it endows the State with the right and power to decide what is truth and what is error in religion, and to distribute its favours accordingly. Besides which it is not open to the Church of England to make that reply if it were so disposed, because in these days the teaching of the two Churches is to a large extent absolutely identical. Have not the two Archbishops just proclaimed that there is a considerable minority both of the clergy and laity who are desiring to suppress the principles of the Reformation; so that the very existence of our national institutions for the maintenance of religion is imperilled. What was it that wrecked the principal Government measure of this Session? Nothing but want of clearness, consistency, and courage on this subject of religious education in institutions supported by the State. The defeat of the University Education (Ireland) Bill was the Nemesis of the English Nonconformists. Why was it that our accomplished and adventurous pilot, who had guided the vessel with such consummate courage and skill through so many shoals and straits, on that occasion steered her on the rocks? Because he saw the Vice President of the Council, like a spectral apparition in the offing—brandishing in his face the English Education Act—for

undoubtedly the denominational character given to the English Education Act had enormously aggravated the difficulty of the Government in dealing with Irish education. I have said that the course you have taken will involve you in great and constant embarrassments. The right hon. Gentleman has made the Committee of Council a sort of Supreme Court of Appeal to decide between contending religious sects, and they are already beginning to find out the perplexities in which that involves them. A case has lately occurred at Croydon. The school board in that town have prepared a sort of manual of devotion for the use of the school. In that manual they have inserted 11 collects from the Common Prayer Book. Some of the inhabitants have memorialized the Department on this subject, contending that in introducing these collects there has been a violation of the 14th clause of the Act which interdicts the teaching of formularies distinctive of any particular denomination. I have examined these collects, and there is nothing in any of them that I personally should object to use. But there are persons who strongly object to them, and others who regard their use as a manifest infraction of what is called the Cowper-Temple Clause. The appeal has, however, been made in vain and "my Lords" decline to interfere. But if the contents of the Prayer Book of the Church of England are not to be regarded as formularies distinctive of a particular denomination, will the right hon. Gentleman publish a Minute, defining for the guidance of school boards what is a "formulary distinctive of a particular denomination?" Then the Department has had another correspondence with the Rev. Dr. Rule on behalf of the committee of the Protestant Alliance in reference to the books used in Roman Catholic schools, and again "my Lords" have refused to do anything effectual. This is only a taste of the work that awaits them as a Court of Appeal. I believe the very difficulties in which you will become entangled, and from which there is no other escape, will ultimately drive you to the adoption of the principle for which we contend—that of united secular and separate religious instruction. And allow me to say that this principle is nothing new in the history of the educational legislation of

this country. The Queen's Colleges established by Sir Robert Peel in 1845 were based distinctly and avowedly on that principle, and the Irish system of national education was originally intended to rest upon a similar basis. Nothing could be more explicit on this point than the declaration of Lord Stanley. In his first draft the plan of the Government was described as one of "combined literary and separate religious education, each department altogether to exclude the other." And the same statesman, speaking in this House in September, 1881, in introducing his measure said—

"The plan which he had in view would, for the future, afford the people of Ireland the advantages of a combined literary, and a separate religious education. Experience teaches, that endless controversy must arise from any attempt to give religious instruction to children of different religious persuasions."—[*3 Hansard*, vi. 1257.]

But I am told that the conscience of the parent must be respected. I confess I fail to see the grievance alleged in this matter. Here is a number of people who absolutely neglect the education of their children—allow them to grow up in ignorance and barbarism in the heart of civilization. The State said they should no longer be permitted to do this, but should be compelled to send their children to a school where they would receive instruction in the elements of useful knowledge. And I cannot see that such people have any hardship to complain of, because such wholesome and salutary instruction was not combined with the teaching of their own peculiar religious views. It was very much as if a parent who neglected to provide food for his children and left them to starve, and was offered a loaf of wholesome bread should object to receive it unless he were also supplied with a bottle of wine. And then the argument as to the conscience of the parent as put forward by the right hon. Gentleman was singularly one-sided. It is understood that the right hon. Gentleman is willing to apply compulsion without school board schools. What would be the result of that? There are hundreds, probably thousands, of parishes in this country in which there is only one school, and that a Church of England school. And what is to become of the conscience of the poor Methodist or Nonconformist in that case? It may

be a school in which the children are taught that Dissenters are heretics and schismatics, that the Methodist chapel is the way which leads to perdition, that Dissenting ministers are Korahs, Danths, and Abirams whom the earth, if it were at all properly alive to its duty, ought to swallow up alive—that "the sacraments as administered by Dissenters are blasphemous follies and dangerous deceptions," and that "the phrase 'Protestant faith' indicates a ridiculous impossibility." These things are taught by hundreds of Anglican Churchmen in these days. But the right hon. Gentleman does not care what is to become of the conscience of the poor Methodist or Dissenter in that case. He may tell me that he has the protection of the Conscience Clause. The Conscience Clause is not worth the paper on which it is written, and the right hon. Gentleman knows this as well as I do. [Mr. W. E. Forster: No, no!] Well, but the right hon. Gentleman has been a strenuous advocate for the Ballot. Why? For this reason, among others—that he knows there are thousands of cases in which poor and dependent men have the franchise, but dare not exercise it freely without the protection of secret voting. And I say there are thousands of cases in which a poor man would not dare to avail himself of the Conscience Clause by withdrawing his child from the religious instruction. But I may be asked, if religious instruction is not given in day-schools, how is it to be provided for the children of the poor? I ask how has it been provided hitherto? Not by State machinery; but by the noble system of Sunday schools which cover this land. There were upwards of 3,000,000 of children at the present time in our Sunday schools. I have a strong conviction that the religious instruction given in day schools is, both as respects quantity and quality, of very little value. You must take the child out of the atmosphere of the day school and place him in the atmosphere of home, or of his church or chapel or Sunday school, if you want to impress his heart religiously. But I shall be reminded of the gutter children, who have no home and no church or chapel to which they go, and I shall be asked what is to become of them. I answer again by saying that, whatever has been done for this class in past times has been done, not by State

schools, but by the voluntary exertions of devoted men and women who have been moved by the impulses of Christian compassion. I remember a speech made by the noble Lord the Member for Liverpool (Viscount Sandon), when the Elementary Education Act was before the House — one of the most beautiful speeches I have heard in this House—in which he adverted to this subject, and said—

"The teachers for the poor free schools were not obtained by money. They had in London 30,000 children in the free taggart schools; and 16,000 in the evening schools. There were 400 paid teachers, and, in addition—a noble army—3,300 unpaid teachers. What were the ties created in these schools? The unpaid teachers comprised in their ranks young men and women from shops, ladies, lawyers, doctors, tradesmen, and merchants—men also from that more gorgeous gilded chamber across their own lobby, and others in various positions in life, who worked together year after year in that gallant host. What he mentioned of the metropolis was only an example of what they all knew was going on in the other large populations of the land."—[*3 Hansard*, ccii. 838.]

I observe with regret the disposition there exists to lean upon State mechanism instead of this living power. Sir, three of our most distinguished statesmen—the Marquess of Salisbury, the Prime Minister, and the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli)—have recently alluded to the dangers which they think assed our common faith from the encroachments of a subtle philosophical infidelity which menaces the very foundations not only of Christianity, but of all religious beliefs, which ought to induce all parties to close their ranks in order to present a close and united front to a common foe. It is a remarkable, and, I must say, to me, a gratifying fact, to find such men occupying themselves with such thoughts. I do not much share their apprehensions, for I can remember instances before in the past history of Christianity in which so-called philosophers had put forth very loud pretensions as if they were going to extinguish all religious faith. It was so at the beginning of the last century, when Bishop Butler stated in the preface to his "Analogy" that it had come to be taken for granted by many persons that Christianity is not so much as a subject of inquiry, but that it is now at length discovered to be fictitious. But I must say that if Christianity is to hold

its own, it will not be by becoming a Department of State, not by being taken under the patronage of the Committee of Council. If the time should come when the Christianity of our country should hang its arms in faithless and impotent despondency in presence of those evils of society with which it is its duty to cope; if it shrinks from providing religious instruction for the ignorant children growing up in our midst, and throws the responsibility on the State, then, indeed, we shall be in an evil case. But I do not believe anything of the kind. If the Government were to say—"We can't give religious instruction; it is not within our province or competency to do so, we will give the children of the people what we can give, without trespassing on any man's rights or violating any man's conscience, the elements of a wholesome and useful secular education, and we throw upon the Churches that represent the Christianity of our land—the duty and responsibility of teaching religion"—if this were done, I believe that the Churches would rise to the occasion, that they would go forth in hallowed emulation to do the work given them to do, and take care that we should have not only an instructed, but a religious and Christian population.

Sir MICHAEL HICKS - BEACH said, that he desired to remove the debate from the atmosphere of religious polemics, in which it had become involved, and to direct attention to the drier subject of the proposals actually contained in the Bill of the Government. Not much more than a year ago a Resolution, supported by Her Majesty's Government was agreed to by a large majority, to the effect that—

"The time which has elapsed since the passing of the Elementary Education Act of 1870, and the progress which has been made in the arrangements under it, are not such as to enable this House to enter with advantage upon a review of its provisions."—[*3 Hansard*, ccix. 1438.]

It was with much surprise, therefore, that hardly a year after the passing of that Resolution, he heard the Vice President of the Council state it was his intention to introduce a Bill for the amendment of the Act. It was with greater surprise that he some weeks ago, heard the right hon. Gentleman, in explaining the provisions of the Bill, recommend for adoption proposals which could not possibly satisfy the only persons who

pressed for an alteration of the law. But it was with still greater astonishment that he heard the right hon. Gentleman that evening announce his intention to withdraw from the Bill that one proposal which commanded more assent than anything else contained in the measure. There was no doubt that Boards of Guardians had the best means of ascertaining the condition of those parents who applied for relief, whether that relief was required in order to feed their children, or in order to educate them. But he must say that, on the whole, the objections to the removal of the payment of the school fees from the school boards to the Boards of Guardians preponderated; for it was most dangerous to extend the power of Guardians to grant relief from the rates to persons who, though receiving relief, were not legally paupers. He could quite understand that the right hon. Gentleman, wearied of religious disputes, was ready enough to hand them over to the President of the Local Government Board, who being a secularist in education, would look on these disputes with passive equanimity. The law sanctioned the principle that a parent was bound to provide sufficient food for his child, and therefore where he did not possess the means himself it gave him the means. Now, in certain parts of the country the by-laws of the school boards laid down the principle that persons should provide education for their children, precisely in the same way that the law said parents should provide food for them. Those persons, therefore, who required public assistance in order to perform either of these duties should be treated alike, as paupers; but the right hon. Gentleman had not the courage to propose this; and, therefore, he was glad that the proposals with reference to non-pauper children were to be withdrawn from the Bill. The main proposals that still remained were to make secret voting the system for the election of school boards throughout the country, and to make Denison's Act compulsory. Now, as to the first, he failed to see why the ballot should be adopted in the election of school boards in those parishes which were not in the metropolis, or in boroughs, and where it would operate as an unique mode of election for local purposes. The ballot had been agreed to in the case of Parliamentary and Municipal elections

chiefly with the view to put an end to corruption and intimidation; but no charge of corruption or intimidation had, so far as he was aware, been made against the election of any school board; and, as to rioting, the only instance in which it had occurred was, he believed, at Lambeth, where, unfortunately, the election was taken by ballot. He hoped, therefore, to hear from the Government some defence of their proposal on that head, and if the House assented to it, that its operation would be limited to the same period as the ballot in the case of municipal and Parliamentary elections, so that the whole of this unfortunate system of secret voting might expire at the same time. As to the proposal to make Denison's Act compulsory, the right hon. Gentleman said that the Guardians had not petitioned against it. He had himself, however, presented Petitions from many Boards of Guardians in his own county, and in more than one of those Petitions he found it stated that the Petitioners learnt with regret that the measure would impose a new charge on the poor rate for the education of outdoor pauper children, and they reviewed with alarm the increase of out-door relief which the measure would necessitate. So far the Boards of Guardians were not in favour of making Denison's Act compulsory, and he did not wonder at it, for now that the matter was left to their own discretion they did not adopt it in half the cases throughout the country. Indeed, the total payment of fees for the children of out-door paupers under that Act was, as the hon. Member for Finsbury (Mr. Torrens) had stated, almost infinitesimal. It was quite easy to understand why the Guardians objected to make the Act compulsory. It would, in the first place, take away the discretion which they possessed under the present law, and it would, in the second place, introduce the principle of compulsory education into parts of the country where it was at present unknown, and throw a burden for the education of children upon the rates without the consent of the local authorities in places which, owing to voluntary action, had hitherto been entirely free from any such charge. He hoped, therefore, the House would not be led away by philanthropy from giving due consideration to the important alterations now proposed. He wished, he might add, to ask hon. Members to look

*Sir Michael Hicks-Beach*

upon the question not so much from an educational as from a Poor Law point of view. For his own part, he hardly thought it possible to make any more objectionable change in the administration of the Poor Law than would be effected by the passing of such a clause as one of those contained in the Bill. One section of Denison's Act distinctly provided that it should not be made a condition of out-door relief that a child should be sent to school; but the right hon. Gentleman proposed to repeal that part of the Act, and thus to place our Poor Law system upon a totally wrong basis. What was the reason for a grant of relief to a pauper? Destitution. No man had a claim to relief unless he was destitute. Whether he should receive in-door or out-door relief did not depend upon whether a child was at school, but upon the condition of the family as to sickness, ability to work, and other similar points which had been very carefully defined by the Poor Law Board. The giving of relief might as well depend on the ability of a child to write a copy of Greek verses, or pass a Civil service examination as upon his going to school. The simple question was, the wants of the applicant. The right hon. Gentleman cited the following passage from the Report of the Duke of Newcastle's Commission on Education:—

"37. That in the case of out-door paupers, the Guardians be obliged to make the education of the child a condition of the out-door relief of the parents, and to pay the necessary school fees out of the rates."

But he had hardly noticed the important fact, that a Committee of that House, approaching the question from the Poor Law side, had arrived at an exactly opposite conclusion; though that Committee was certainly one of the ablest which had ever considered the question of Poor Law Relief. It sat for three or four years. The right hon. Gentleman the Member for Wolverhampton (Mr. O. P. Villiers) was its Chairman, and the right hon. Gentleman the Member for Kilmarnock (Mr. Bouvierie), as well as the Marquess of Salisbury and the Chancellor of the Exchequer, were Members of it. They pointed out in their Report that all the witnesses concurred in the opinion that to make the provisions of Denison's Act compulsory would be impracticable, and that such a proposal would be

contrary to the principles on which the Poor Law was based. The conclusion arrived at by such a Committee would carry greater weight than any arguments he could urge. He wished, however, to direct attention to the terms of the prohibitory Order of the Poor Law Board, which was enforced throughout the greater part of the country, and which specified the conditions upon which alone out-door relief could be granted. Among these conditions were sudden and urgent necessity, sickness or infirmity of the applicant or some member of his family, and the burial of the pauper or one of his family. In such cases it would be impossible to make the grant of out-door relief dependent on whether the children were sent to school or not. But in those cases in which it might be possible, if Parliament made the grant of out-door relief dependent on that fact it would be imposing compulsory education on the poorest class of the community, under a penalty far more severe than it would dare to inflict on any class above them. On this account alone he should feel bound to vote for the Motion of the hon. Member for Finsbury (Mr. Torrens.) Again, in reference to the expense of the ratepayers, not only would the school fees have to be paid, but in many instances parents would require additional relief in place of the wages which their children might have earned had they not been in compulsory attendance at school. Therefore, we had no real test of the amount of the pecuniary burden the right hon. Gentleman proposed to cast upon the ratepayers. But what was the object of passing the Bill now before the House? Did anyone want it? If, as the right hon. Gentleman stated, certain departmental matters required legislation, he ought to have brought forward a departmental Bill, which might have been carried without opposition; but the right hon. Gentleman wished to go beyond that, and alleged that if the present Bill was not passed school boards would drop throughout the country. Well, school boards might be a necessity in the metropolis, and in some of our largest towns; but, in other places, he did not know whether that would be a very great evil after all. He was unable to perceive, however, how such a consequence could ensue. Again, the right

hon. Gentleman said the measure was required in order to increase the regularity of attendances; but he himself admitted that even in the absence of such a measure the attendances had increased from 1,000,000 to 1,500,000 since the introduction of the Act of 1870. It was said out-of-doors that hon. Gentlemen on that side of the House ought not to oppose the Bill because the Members for Birmingham and Merthyr disapproved it. Now, nobody could be more opposed than he was to the views of the Birmingham Education League; but there were principles so objectionable that both the hon. Gentlemen opposite and himself might unite in opposing them for totally different reasons. For his own part, he did not want to see a new and utterly wrong basis established for the administration of the Poor Law, nor did he wish to see a fresh burden added to that which Parliament had, in his judgment, unfairly imposed on the ratepayers of the kingdom.

MR. DIXON said, that when he listened to the speech of his right hon. Friend the Vice President of the Council on introducing this measure he had some difficulty in deciding whether he objected more to the Bill for what it proposed to enact or for what it left entirely untouched. The House had a right to expect that in a Bill which had been mentioned in the Speech from the Throne, and looked forward to with so much anxiety by the Educational Reformers of the country, some provision would have been made for the universal compulsory attendance of the children in England and Wales. He would remind the House of the position in which they stood with reference to what, in his belief, was the most important of all the questions bearing on the education of the country. When the Bill of 1870 was introduced, the Vice President of the Council said that to leave the question of compulsion alone was to leave the children untaught, and to force the taxpayers and ratepayers to pay for useless schools. That remark was a wise one at the time, and it had been justified by subsequent experience. On the second reading of that Bill the Prime Minister told the House that it was not without an effort that he accepted the principle of compulsion. The right hon. Gentleman regretted the necessity for it, but he said—"We have arrived deliberately

at the conclusion that it must be entertained, and in a manner that shall render it effectual." After two years' experience of the working of permissive compulsion the Vice President of the Council again told the House that he thought compulsion had worked well in England and Wales; but speaking for himself as the Minister responsible for education he said that, although he could not introduce such a measure in the previous year, he thought we should be ready for a general compulsory measure this year. He was aware he was styled a theorist; but the Ministers of the Crown were not mere theorists when they used such language as this on important occasions in the House of Commons. This language was based on the Reports of Her Majesty's Inspectors of Schools, who had for many years been urging on the Government the absolute necessity of general compulsion. For example, in the Report for 1871, the Inspector, speaking of Oxfordshire and Buckinghamshire, said—

"The unsatisfactory condition of the schools was caused by the irregular attendance of the children. On this subject every one, I expect, is agreed as far as this—that until the children are induced or compelled to attend school regularly, a satisfactory progress is impossible."

Mr. Blandford and Mr. Bowstead, speaking respectively of Derbyshire and Gloucestershire, expressed similar opinions in favour of universal compulsion. These were the official statements upon which the opinions of the Government were formed in the Session before last. The House had since had experience of the working of the compulsory system in our large towns. The Vice President of the Council told the House in bringing in the Education Estimate that compulsion had been wisely introduced, carefully carried out, and was eminently successful. In Birmingham in one year the system of compulsion had increased the average attendance by 50 per cent—namely, from 16,000 to 24,000, and he was told that at the present moment the increase in the average attendance reached 75 per cent. There had been no school fees paid by the Birmingham School Board. Officers had been appointed to go round to the houses of the parents whose children did not attend school. They had paid 19,000 visits, and had issued 1,538 notices for non-attendance. It had, however, only been

necessary to issue 157 summonses, and 132 parents had been fined sums varying from 1*s.* to 5*s.* Not more than 13 warrants had been issued, and only four of those defaulting parents had been sent to prison for short terms. That must be admitted to be a satisfactory proof of the working of the compulsory system under many disadvantages, including a great deficiency of school accommodation. The cost of this system did not amount to a third of a penny in the pound; and if it were found working so satisfactorily in English towns, and if it were about to be introduced into Scotland, was Parliament to allow another year to elapse without applying it to the country districts? In the large towns compulsion was the rule; in the rural districts it was scarcely to be seen. In the Duchy of Nassau he found that every child was taught in every town and village, and yet such a system was said to be impossible for England. Why was this? It was not that the country gentlemen really objected to education, but they disapproved the machinery by which compulsion was to be enforced? In the towns of England and Scotland it was thought impossible to carry it out except by school boards; but in the agricultural districts it was assumed that they would be expensive, and any addition to the rates was to be resisted. But was there any reason to believe that the cost would exceed the third of a penny in the pound? The cost of making the Denison Act compulsory would amount fully to this sum, yet the Birmingham League in vain proposed to make school boards universal, although the cost would not be greater than that of making the Denison Act compulsory. Suppose that the payment of school fees followed upon the appointment of a school board. A great deal had been said about the extent to which the payment of school fees had been carried in Manchester, yet even there not more than one-third of a penny in the pound had thus been expended. Another reason why these school boards had been objected to was that a very large and important body were afraid that the schools would become secularized if school boards were once established. The great body of Wesleyans had come to the conclusion that the right course would be—first, that school boards should exist everywhere, and next, that in every school

board area there should be at least one undenominational school. If the country were willing to adopt that plan, he, too, was ready to accept it. As the League had been more than once referred to, he might be permitted to say that the object of that body was this—the establishment of school boards throughout the country with compulsory attendance of the children, and the boards to undertake the management and superintendence and payment for the secular education, both in their own and in the denominational schools. The result would be that the various denominations would be saved the entire cost of the secular instruction, and would be able to devote their time and their money exclusively to the religious education of the children. The managers of the denominational schools would continue religious teaching as hitherto, and there would be no restriction as to its nature and amount. It could not be said by hon. Gentlemen opposite that the children would not attend the religious instruction; because they had over and over again asserted that the parents of poor children were religious and desired religious teaching for their children. That plan had been already tried. He learnt from a letter he had received from a distinguished clergyman of the Church of England who was no member of the League, that he had adopted that system and with the best results; and, further, that he had many inquiries from other clergymen who were anxious to follow his example. He need not refer to the portion of the Bill which the Government had abandoned, and to which he was from the outset strongly opposed; but with respect to the proposal to make Denison's Act compulsory he could not assent to it, because it would place the education of the children of the poor in the hands of those who disclaimed and protested against the trust. They should have school boards everywhere, composed of men elected specially to superintend the education of the district; and with areas sufficiently large to command the best men, who should carry out education in the way that they thought best, and regardless even, he would say, of expenses. The boards so constituted should be enabled to feel that they had the rates and the Government grant to fall back upon, so that they might be enabled to carry on a proper system of instruction.

The people ought to be able to feel that the schools belonged to themselves; that they were paid for out of the taxes, and were managed by the people's representatives; and then there would be a national system of education which would effect fully and completely the object which they had in view. He could not but apprehend that if that proposition of the Government were agreed to by the House, the principle would hereafter be extended, and that which the Government had given up now would hereafter be pressed upon the Legislature; so that in the long run they might see the education of all the children of the rural districts placed in the hands of those who had confessed their own incompetency, and who said they did not desire to have the duty imposed upon them. Under these circumstances, he had to ask himself how he should act. He could not oppose a measure introduced for the purpose of educating a large number of now neglected children. He would simply walk out of the House in order that he might not have the responsibility of placing the education of the children of the rural districts upon a wrong basis. Men had said to him—"Are you going by your vote to prevent poor children being educated? If this measure is not passed it may be years before anything better is proposed. Do you not know that the present Administration is coming to an end, and that their successors will not carry on the work in a better spirit?" Having regard to the course which the Government had taken on this question, he thought it was his duty to advise the Liberal Members in the House to separate themselves from that course. He hoped, however, that the Government would next year fulfil the promise which they had made on this subject.

**MR. GATHORNE HARDY:** Sir, I should not have risen at this moment but that I think it necessary to bring back the House to the consideration of the subject of this Bill. The hon. Member for Birmingham (Mr. Dixon) has, I believe, addressed himself to every subject that is not in the Bill and has carefully avoided touching upon anything that is really in the Bill. The same observation, I think will apply to the speech of the hon. Member for Merthyr (Mr. Richard). This does not seem to me a fitting opportunity for discussing the

question of secular education, inasmuch as the word is nowhere mentioned in the Bill. Reference has been made to some remarks which I made in connection with the University Education (Ireland) Bill, and I shall be prepared at any time to defend what I said on that occasion, but it is wholly inapplicable to the Bill now before the House. The measure, as explained by the speech of the right hon. Gentleman the Vice President of the Council of Education, certainly appears a far more complicated one than it really is. When I look at the Bill in that light it seems to have been exaggerated in a remarkable degree by almost every speaker who has addressed the House this evening. So far from this being a great Bill I consider it as one of the smallest on education that has ever been brought before the House. The simple question to be discussed was whether the Poor Law Guardians, instead of the school boards, should have the power of paying the school fees for the education of the poor children whose parents were too poor to pay them themselves. I am not surprised that my hon. Friend the Member for South Devon (Sir Massey Lopes) who takes such an interest in the question of local taxation, should be led somewhat astray in his impressions as to the precise meaning of this Bill by the exaggerated views which have been expressed regarding the object or intention of the 3rd clause. Why, at this moment everything that was done compulsorily by the school board can be done potentially by the Guardians. And as to the number of children who were kept away from any school, I am far from supposing that they are as many as some hon. Members supposed. My belief is that the number is not one-fourth of that quoted by the right hon. Gentleman opposite (Mr. W. E. Forster). It is absurd to suppose, for example, that in the case of a poor man who accidentally broke his leg, that the Guardians would be justified in refusing to give him any relief until he had sent his children to school. Accidental cases of destitution, therefore, such as that, cannot fairly be included in the statistics of pauperism. Now, I believe that the far greater number of the children of the poor have been already collected, and go to school. Although a certain number of persons are chargeable to the poor rate, it does not

follow that their children do not go to school. Everyone admits that there are many children requiring education who are not sent to any school, and we all desire that they should be sent to school. Why, then should you object to the Guardians sending those children to school without certain conditions which are sometimes impossible to carry out? Why do you seek to check the efforts of the Guardians in this direction by requiring them to make the relief to the parents depend upon the sending of their children to school? I will leave the right hon. Gentleman opposite to settle his quarrels with his Friends below the gangway. The right hon. Gentleman must, however, feel thankful to them for not voting against him. The hon. Member for Birmingham is willing to defer his quarrel with the Government until next year. This delay I have no doubt will, upon some points, be acceptable to the Government. There are many hon. Members who wish to repeal the 25th clause. I am not one of those. Compulsory education may act well in some such cases as those to which the hon. Member for Birmingham adverted; but, as regards the country at large, I think it must be introduced with some caution. The hon. Member has referred to certain statistics, but the figures are very deceptive, and I find that the increase in the number of children attending schools in consequence of compulsion has been chiefly in infants. But it is not infants that we wish to compel to attend school; it is the waifs and strays of society that we wish to see there. Then, again, on looking closely into the figures relied upon by the hon. Member, we find that the fluctuations in the attendances are perfectly enormous; the ebb is as great as the flow. In this country a great part of our education is obtained in the school of life, and it is an absurdity to suppose that the only education that a child requires is a knowledge of reading, writing and arithmetic. Children require to be taught how to earn their livings and to contribute to the support of their families, and there is more moral good derived from a child earning 5s., and taking it to his distressed mother, than in all the reading, writing, and arithmetic that you can teach him. The moral teaching of that education will bring greater honour, advantage, and credit to

the country than the teaching of which you make so much. Upon a question of this kind, being all anxious to promote education, and to carry out the Bill which is already in existence, hon. Members on that side of the House will not, because they think one clause must require some check or amendment in Committee, vote for the Previous Question and prevent the Bill going into Committee, but will allow the Bill to go into Committee and endeavour to remedy its defects.

Mr. FAWCETT said, he so entirely agreed with the argument of the hon. Member for Birmingham (Mr. Dixon) in favour of general compulsion that he should not waste time by referring to that part of the subject, except by-and-by to offer a suggestion which he thought would help on that system of general compulsion which the hon. Member and so many of his Friends appeared to have so much at heart. He had been one of the earliest Members of the Birmingham League; but many arguments had been put forward recently by that body with which he did not agree. He was the more anxious to express the differences of opinion between himself and the members of the League because he believed that during the ensuing winter months, a sectarian agitation would be got up which would subject many hon. Members to pledges which, if fulfilled, would prove most mischievous to the cause of education. He had not been in favour of the Bill of the Government as originally introduced, and he had been perfectly prepared to vote, as he had done before, for the repeal of the 25th clause; but he objected to the Bill of the Government as originally introduced for reasons very different from those which had been put forward by the hon. Member for Birmingham. What had been the cause of the Government being placed in their not very dignified position? Having the problem before them, how to deal with the 25th clause, they had proposed a solution of it so unsatisfactory to the country that they were obliged to abandon it before their Bill came on for the second reading. The cause of the difficulty in which the Government were placed was an old story. They had not the courage of their opinions, and they were afraid to call a spade a spade. Why did their proposition meet with no support? Because they adopted an unfortunate

middle course. They wished to adopt a system of parochial relief in the matter of education, and yet they wished to introduce words into their Bill to say that the parochial relief it was intended to give was not parochial relief. Was ever a more absurd course adopted than to say that the Poor Law Guardians should defray the cost of the children's education, and yet that the parents should not be supposed to be receiving parochial relief, but some gratuity in the shape of a bounty or reward? If the strict system under which the Poor Law was administered were once to be relaxed the country would be deluged with pauperism. If payment for the education of a man's children was not to be regarded as parochial relief, why should the payment for necessaries supplied to his sick wife or children be regarded as being parochial relief? The right hon. Gentleman was aware that there was not a single logical argument in favour of calling payment for the education of a man's children by any other name than parochial relief, and the country would soon come to the conclusion that what was in fact poor relief should be designated by that term. There was not a member of the London School Board who would not say that the Guardians were the better judges of the circumstances of the parents than the school boards. The work of the latter was educational, and not to inquire into the circumstances of every parent who applied for assistance. Therefore, had the right hon. Gentleman—acted logically, and in transferring the payment of the school fee from the school board to the Poor Law Guardians—declared that such payments should be regarded as poor relief, many of those who were now silent would have come forward and supported his Bill. He did not sympathize with the reasons of the League for the repeal of the 25th clause. When the League was first constituted he had thought that if religious education were to be dealt with at all there was only one logical course to pursue—that of adopting pure secular education, and he had opposed that wretched compromise of the Bible, without note or comment, as not likely to conciliate religious people, and as certain to alienate the secularists. He, however, had been out-voted, and he felt sorry for the position which had been

assumed was an illogical one. He was in favour of absolute secular education, and of perfect religious equality; but he could not help feeling that we did not start altogether *de novo* in this matter. The country would never consent to the enormous property devoted to education in voluntary denominational schools being thrown away; and, indeed, the Nonconformists and others who, like himself, were abstractedly in favour of secular education, were partly responsible for many of these voluntary denominational schools. He was at a loss to understand how anyone could refuse the application to rates for denominational education when he sanctioned it in Parliamentary grants. As a matter of common sense, what difference did it make in principle whether a house tax went in support of denominational schools or whether a house rate went to support them? How could anyone say, when the tax collector got £5 from him for inhabited house duty, and a portion of it went to support denominational schools, that his conscience was not injured, while if he paid £5 in rates, and a few pence went out of it in the same direction, his conscience was grievously offended? He knew there were some people who said that this was introducing a new religious inequality; but even those who brought forward strong conscientious objections to any portion of the rates going in support of denominational schools were not consistent. The Prime Minister the other night, in a masterly and convincing speech, proved clearly that if people were exempted from rates for a particular kind of property, rates were thereby compulsorily imposed upon other people. Who, then, being the strong advocates of the exemption of Sunday schools and ragged schools and chapels from rating, could fairly say that their consciences were offended by a small portion of the rates going in support of denominational schools? He spent a portion of each year in the town of Cambridge, and when there he lived in a parish where lately a great deal of valuable property which contributed largely to the rates was pulled down, and in its place was erected a very handsome chapel, the foundation stone of which was laid by the hon. Member for Bristol (Mr. Morley). What was the result? If that chapel did not pay rates, his (Mr. Fawcett's)

rates would be increased. He himself was only a moderate churchman; but he objected to being compulsorily obliged to subscribe to a chapel. If those were his feelings, what must be the feelings of a more ardent Churchman? What must be the feelings of the hon. Member for North Warwickshire (Mr. Newdegate) for instance, if he found himself subscribing against his will to many a Catholic chapel? Those who raised a conscientious objection to any small modicum of rates going to support denominational education should be consistent; and if they were, he would give them the opportunity by moving on the Report of the Rating (Liability and Value) Bill, that the exemption of chapels, churches, and schools from rates should be abolished. But if he did so, what support should he get? Why, everyone knew that he would get no support at all? There were three unanswerable arguments against forcing children into a board school when there was a voluntary elementary denominational school to which they preferred going, and which was nearer to their homes. So far as his own opinion was concerned, he would infinitely sooner see them go to a board school; but, first of all, there was the convenience of the child to be considered. How could anyone pretend to say, when there was a denominational school to which the parents wished the child to go within a stone's-throw of its house, that that poor unfortunate child, perhaps half-clad and poorly fed, should be forced to go through all weathers, and in the snow and dirt, to a board school two or three miles distant in order to carry out the conscientious scruples of the ratepayers? Then there was the economical argument. Of course, if all these children were driven into board schools the accommodation of the board schools would have to be increased, and that would add to the cost, and make the ratepayers object. Thirdly, there was this powerful argument—that whether the consciences of the parents ought or ought not to be consulted, the matter should be looked upon from an educational point of view. It would be a hard enough matter to carry out general compulsion in this country under any circumstances, and the experience of every other country proved that if the unwilling parent were armed with this plausible argument against compulsion,

that it forced his child into a school against which he entertained conscientious objections, no power on earth could carry the compulsory provisions out. It might be asked, what course did he intend to pursue in reference to the present Bill? He could not follow the example of the hon. Member for Birmingham (Mr. Dixon) for if a Bill was a bad one he thought it ought to be opposed, regardless of what the public outside might say, and if it was a good one it should be supported, independent of any consequences which might happen to the individual Member who supported it. He had listened with great attention to the able speech of the hon. Member for Finsbury (Mr. Torrens) but he had not been convinced by it, and therefore he should vote in favour of the second reading of the Bill. He did not pretend to say that it was a complete measure; but he did not think the arguments which had been urged against it were sufficient to counteract the advantages which the Bill, small as it was, undoubtedly offered. No one who listened to the hon. Member for Finsbury, and the hon. Baronet the Member for South Devon (Sir Massey Lopes) could doubt what was at the bottom of their opposition. They were both as anxious as himself to see these pauper children educated, but they said—"Don't let it be done by the rates; let it be done out of the Imperial funds." This was the old story; he had exposed its fallacy over and over again. It was said that the education of these pauper children by means of the rates would have a tendency to increase out-door relief; but what would be the effect of obtaining the money from that inexhaustible mine of wealth, the Consolidated Fund, and having it administered by men who were not directly interested in economy? Differing in *toto* from the hon. Member for Finsbury, he believed this Bill would discourage out-door relief. The lavishness with which it was administered was responsible for no small portion of our pauperism, and therefore he welcomed anything which would indirectly bring into existence an influence to diminish it. It was notorious that there were people receiving out-door relief who ought to be in the union. Why did they receive out-door relief? Because it was said their children went to work, and therefore out-door relief was

cheaper, since the children supplied them with a portion of what would otherwise come out of the rates. If that inducement were removed the granting of outdoor relief would be discouraged in a very important way. The hon. Member for Finsbury had spoken throughout as if this Bill was going to introduce compulsion for the first time in London; but, as a matter of fact, compulsion already existed there. Under the present law every pauper child ought to be at school; and therefore all that the Bill would do would be to give two securities instead of one in favour of carrying out compulsory education. In other districts where compulsion had not been introduced he admitted that this Bill would introduce the thin end of the wedge; and, that being so, as he was in favour of compulsory education, the objection of the hon. Baronet the Member for South Devon furnished him with an additional reason for voting in favour of the Bill. In conclusion he wished to make one suggestion to the Birmingham League. They were about starting an agitation, and he felt convinced that that agitation would involve them in a miserable sectarian squabble, which would not promote the intellectual development or assist the mental culture of a single adult or a single child. If they would, instead, unite their force in favour of the League's first object, general compulsion, and spend the winter months in advocating it instead of promoting sectarian wrangles, next year there might be a strong feeling out of doors which would enable Parliament to introduce compulsion with much greater success than it could if the League continued doing what they had done during the last 12 months. He knew these opinions would involve him in a considerable amount of unpopularity; but he started political life caring more about general compulsory education than he did about anything else. He had seen no reason to change his opinions, and he should be pursuing an unworthy course of conduct if he remained silent when he heard a course advocated which would lose the great question of the general education of the people in the mists of sectarian squabbles.

MR. W. E. FORSTER said, the course which the debate had taken had saved him from the necessity of making more than a few remarks, for the arguments

against the proposition of the Government had been so ably answered, especially by his hon. Friend who had just sat down, in a speech which, even from him, showed almost more power than any other speech of his he had ever heard, that it was scarcely necessary now to make that answer which was generally expected from the Minister who was responsible for the proposals submitted to the House. There was, however, one remark made by his hon. Friend from which he confessed he did to some extent differ, and it would be hardly candid if he did not at once acknowledge the difference, and that was the remark applied to the Bill as it was originally brought forward, and to leaving Clauses 17 and 25 in the Act. His hon. Friend strongly opposed any remission of fees or payment of fees out of the rates not being considered parochial relief. He granted that there was a strong argument in favour of that view of the question, but he wished to put the House in possession of what could be said on the other side. Take the case of a poor widow who had, by a hard and bitter struggle, kept herself from receiving out-door relief. Because they imposed on her the duty of having her child educated and helped her to do it, to say that she had become a pauper, notwithstanding all her sacrifices—and once a pauper always a pauper—would be very hard indeed. The hon. Member for Birmingham (Mr. Dixon), though he had made a remarkably fair speech, had attacked the Government somewhat severely for an omission on their part. The hon. Member regretted the absence of a general compulsory measure. He could only say, being as anxious for the adoption of that principle as his hon. Friend, that he earnestly hoped his hon. Friend would take home the advice of the hon. Member for Brighton (Mr. Fawcett). He was sure the more his hon. Friend thought over the subject, the more he would see that before he could get carried out such a proposal for general compulsion as he advocated—be it right or wrong—he would have to wait years, he might, perhaps, almost say generations. His hon. Friend's proposal was that the present voluntary school managers should hand over the management of the largest portion of their education to the school boards. He would not now give the reason why he should be opposed on

principle to that; but his hon. Friend must feel, as he did, that the enormous majority of the voluntary school managers would not assent to it. He was not surprised at the remarks of the hon. Member for Merthyr (Mr. Richard), although they hardly applied to the question before the House, but rather to the Act of 1870. He would not detain the House except with the most cursory reference to that hon. Member's observations upon himself. But he had rather complain of the statement that his previous course had given that hon. Gentleman and his friends a right to suppose that his educational policy would have been different from what it was. The hon. Member for Merthyr was mistaken about that; for there was nothing that he had ever said, either in or out of the House, which was inconsistent with what he had done in 1870 or this year. The hon. Gentleman said that the Act of 1870 gave a large grant to denominational schools. But the fact was the grant was to all schools, whether denominational or not, and it was equal to all. Further, it was a grant simply to supply that aid which the original Bill contemplated should be given out of the rates, and which it was thought better to drop. The hon. Member said a large extension of time was given for the building grants. That was a mistake. The Bill as first brought in made no cessation of the building grants; but, as it passed, it provided for their stopping at a certain time. The hon. Member for Leicestershire (Mr. Heygate) while kindly promising his support to the present Bill, brought forward a case in which he thought the Act as administered by the Department had been unjust. He could not then enter into the details of that case; but he would observe that they could not call local bodies into existence without giving them power, and on that ground the Department thought they ought to have the strongest possible grounds before they interfered with a school board that had been elected. He would suggest to the hon. Member for Stafford (Mr. Salt) that he should give the Bill another chance and not vote against it that night, but wait a week or so, until he had consulted with his constituents. The hon. Member said that an attendance of one-tenth or one-twelfth of the population was as large as they could fairly expect; but in

a town not far from Stafford he believed they had already succeeded in securing a much better attendance than that. The hon. Member for Finsbury (Mr. W. M. Torrens) complained that the Bill provided that children should be clothed as well as taught. ["No, no!"] At least, that appeared to be the purport of the hon. Gentleman's argument. There was, in fact, no such proposition in the Bill. The children would be taught but not clothed and fed. The hon. Baronet the Member for South Devon (Sir Massey Lopes) thought the Bill would entail an expenditure of £500,000; but if the whole of those 200,000 children were taken into the schools, the 2*½*d. per week per child would only amount to about £80,000. But the further relief to be given if necessary would not be required for all that number of children. Many of them were receiving education at this moment by voluntary help, and many also by the action of the different school boards. The hon. Baronet also said neither the prison rate nor the pauper rate had been diminished by the operation of the Act. The children had not yet had time to become either paupers or criminals; and he hoped the Act and this Bill would prevent their ever becoming so. His hon. Friend the Member for Liverpool (Mr. Rathbone) informed him that in that town Denison's Act was very effectually carried out, and was practically compulsory. The result was, that while the Poor Law Expenditure of Liverpool fluctuated from £150,000 to £180,000, the cost of working Denison's Act was between £500 and £600, which was partly if not more than compensated by the fact that drunken idle parents were deterred from going on the rates on the terms of withdrawing their children from begging, stealing, and working in order to send them to school. The right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy) was correct in describing the present Bill as a small one. He (Mr. Forster) should have been very glad if it could have been made larger; but, at the same time, he believed it to be a practical step in the direction of improved education, and he therefore hoped the House would accept it.

MR. CRAUFURD rose to address the House amid continued cries of "Divide, Divide," which rendered his speech inaudible.

Question put.

The House divided:—Ayes 343; Noes 72: Majority 271.

Main Question put, and agreed to.

Bill read a second time, and committed; considered in Committee, and reported; to be printed, as amended [Bill 245]; re-committed for Monday next.

AYES.

Acland, Sir T. D.	Cardwell, rt. hon. E.	Finnis, W.	Jackson, R. W.
Adderley, rt. hon. Sir C.	Carter, R. M.	FitzGerald, right hon.	James, H.
Agnew, R. V.	Cartwright, F.	Lord O. A.	Jardine, R.
Akroyd, E.	Cartwright, W. C.	Fitzmaurice, Lord E.	Jenkinson, Sir G. S.
Amcotts, Colonel W. C.	Cave, T.	Fitzwilliam, hon. C.	Jessel, Sir G.
Amphlett, R. P.	Cavendish, Lord F. C.	W. W.	Johnston, A.
Anderson, G.	Cavendish, Lord G.	Foljambe, F. J. S.	Johnstone, Sir H.
Annesley, hon. Col. H.	Cawley, C. E.	Fordyce, W. D.	Kavanagh, A. MacM.
Anstruther, Sir R.	Charley, W. T.	Forrester, rt. hon. Gen.	Kennaway, Sir J. H.
Antrobus, Sir E.	Childerh, rt. hon. H.	Forster, C.	Kensington, Lord
Arbuthnot, Major G.	Cholmley, Sir M.	Forster, rt. hon. W. E.	King, hon. P. J. L.
Armitstead, G.	Clive, Col. hon. G. W.	Foster, W. H.	Kingscote, Colonel
Ayrton, rt. hon. A. S.	Clowes, S. W.	Fortescue, rt. hon. C. P.	Kinnaird, hon. A. F.
Backhouse, E.	Cochrane, A.D.W.R.B.	Fortescue, hon. D. F.	Knatchbull-Hugessen,
Baggallay, Sir R.	Cogan, rt. hn. W. H. F.	Fowler, R. N.	rt. hon. E. H.
Baines, E.	Colebrooke, Sir T. E.	Fowler, W.	Knightley, Sir R.
Barclay, A. C.	Coleridge, Sir J. D.	Gavin, Major	Laing, S.
Barclay, J. W.	Collins, T.	Gladstone, rt. hn. W. E.	Laird, J.
Bass, A.	Corrigan, Sir D.	Gladstone, W. H.	Lambert, N. G.
Bassett, F.	Cowper, hon. H. F.	Goldney, G.	Lawrence, Sir J. C.
Bates, E.	Cowper-Temple, right	Goldsmith, Sir F.	Lawrence, W.
Bathurst, A. A.	hon. W.	Gooch, Sir D.	Lawson, Sir W.
Baxter, rt. hon. W. E.	Crawford, R. W.	Gore, W. R. O.	Lea, T.
Beaumont, Major F.	Cross, R. A.	Goschen, rt. hon. G. J.	Leeman, G.
Beaumont, H. F.	Oubitt, G.	Gourley, E. T.	Latève, G. J. S.
Beaumont, S. A.	Cunliffe, Sir R. A.	Gower, hon. E. F. L.	Leith, J. F.
Beaumont, W. B.	Dalrymple, C.	Graham, W.	Lennox, Lord H. G.
Benyon, R.	Dalway, M. R.	Gray, Colonel	Leelie, J.
Biddulph, M.	Davenport, W. B.	Gray, Sir J.	Lewis, C. E.
Bingham, Lord	Davies, R.	Greene, E.	Lindsey, hon. Col. C.
Birley, H.	Delahanty, J.	Gregory, G. B.	Lindsey, Col. R. L.
Blennerville, Sir R.	Denison, C. B.	Greville, hon. Captain	Lloyd, Sir T. D.
Bonham-Carter, J.	Dent, J. D.	Greville-Nugent, hon.	Looke, J.
Bourne, Colonel	Dick, F.	G. F.	Lowe, rt. hon. R.
Bouverie, rt. hon. E. P.	Dickinson, S. S.	Grey, rt. hon. Sir G.	Lowther, J.
Bowring, E. A.	Dickson, Major A. G.	Grey de Wilton, Visq.	Lubbock, Sir J.
Brand, H. R.	Digby, K. T.	Grieve, J. J.	Lusk, A.
Brassey, H. A.	Dodds, J.	Grosvenor, hon. N.	Lyttelton, hon. C. G.
Brassey, T.	Dowdeswell, W. E.	Grosvenor, Lord R.	Macfie, H. A.
Brewer, Dr.	Downing, M.C.	Grove, T. F.	M'Arthur, W.
Bright, J. (Manchester)	Duff, M. E. G.	Guest, A. E.	M'Claire, T.
Bright, R.	Dundas, J. C.	Guest, M. J.	M'Lagan, P.
Brinckman, Captain	Dyott, Colonel R.	Hamilton, I. T.	Magniac, C.
Brocklehurst, W. C.	Eaton, H. W.	Hamilton, J. G. C.	Mahon, Viscount
Brooks, W. C.	Edwards, H.	Hampton, R. W.	March, Earl of
Brown, A. H.	Egerton, hon. A. F.	Hardcastle, J. A.	Marking, S. S.
Browne, G. E.	Egerton, Adml. hn. F.	Hardy, rt. hon. G.	Masey, rt. hon. W. N.
Bruce, Lord C.	Elliot, G.	Hardy, J.	Matheson, A.
Bruce, rt. hon. Lord E.	Enfield, Viscount	Hardy, J. S.	Matthews, H.
Bruce, rt. hon. H. A.	Ennia, J. J.	Hartington, Marq. of	Mellor, T. W.
Burrell, Sir P.	Erskine, Admiral J. E.	Henderson, J.	Melly, G.
Bury, Viscount	Ewing, A. Orr	Henley, rt. hon. J. W.	Meyrick, T.
Butt, I.	Eykyn, R.	Henley, Lord	Milbank, F. A.
Cadogan, hon. F. W.	Fawcett, H.	Henry, M.	Miller, J.
Cameron, D.	Feilden, H. M.	Hermon, E.	Miller, W.
Campbell-Bannerman, H.	Fellowes, E.	Heygate, Sir F. W.	Milles, hon. G. W.
Candlish, J.	Figgina, J.	Heygate, W. U.	Mills, Sir C. H.
	Finch, G. H.	Hibbert, J. T.	Mitford, W. T.

O'Conor, D. M.  
O'Conor Don, The  
Ogilvy, Sir J.  
O'Reilly-Dease, M.  
Paget, R. H.  
Pakington, rt. hon. Sir J.  
Palmer, J. H.  
Parker, C. S.  
Parry, L. Jones-  
Patten, rt. hon. Col. W.  
Peel, A. W.  
Pemberton, E. L.  
Philips, B. N.  
Phipps, C. P.  
Pim, J.  
Playfair, L.  
Potter, E.  
Potter, T. B.  
Powell, F. S.  
Power, J. T.  
Price, W. E.  
Rathbone, W.  
Redmond, W. A.  
Reed, C.  
Royston, Viscount  
Russell, Lord A.  
Russell, Sir W.  
Rylands, P.  
Sackville, S. G. S.  
St. Aubyn, Sir J.  
Samuda, J. D'A.  
Samuelson, B.  
Samuelson, H. B.  
Sandon, Viscount  
Sartoris, E. J.  
Seely, C. (Lincoln)  
Seely, C. (Nottingham)  
Shaw, R.  
Sherlock, D.  
Sherriff, A. C.  
Simonds, W. B.  
Sinclair, Sir J. G. T.  
Smith, R.  
Smith, W. H.  
Staepoole, W.  
Stanhope, W. T. W. S.

TELLERS.  
Adam, W. P.  
Glyn, hon. G. G.

## NOES.

Arkwright, A. P.  
Assheton, R.  
Bagge, Sir W.  
Barttelot, Colonel  
Beach, Sir M. Hicks-  
Beach, W. W. B.  
Beauchamp, Earl of  
Brise, Colonel R.  
Buxton, Sir R. J.  
Chambers, Sir T.  
Craufurd, E. H. J.  
Dalrymple, D.  
Dawson, Col. R. P.  
Dilke, Sir C. W.  
Dillwyn, L. L.  
Dimsdale, R.  
Duncombe, hon. Col.  
Dyke, W. H.  
Fielden, J.  
Galway, Viscount  
Garnier, J. C.  
Gilpin, Colonel  
Goldsmid, J.  
Gore, J. R. O.

Hambro, C.  
Hamilton, Lord C. J.  
Hamilton, Lord G.  
Hamilton, Marques of  
Hay, Sir J. C. D.  
Hildyard, T. B. T.  
Hoare, Sir H. A.  
Hodgson, W. N.  
Hogg, J. M.  
Hood, Captain hon. A.  
W. A. N.  
Knight, F. W.  
Lacorn, Sir E. H. K.  
Langton, W. G.  
Leatham, E. A.  
Lennox, Lord G. G.  
Lewis, H.  
Liddell, hon. H. G.  
Lopes, H. C.  
Lowther, hon. W.  
Lush, Dr.  
Manners, rt. hon. Lord J.  
Manners, Lord G. J.  
Martin, P. W.

Miall, E.  
Stanley, hon. F.  
Stanfeld, rt. hon. J.  
Stapleton, J.  
Steere, L.  
Stevenson, J. C.  
Stone, W. H.  
Stocks, rt. hon. Sir H. K.  
Straight, D.  
Strutt, hon. H.  
Stuart, Colonel  
Stuart, hon. H. W. V.  
Sturt, H. G.  
Talbot, C. B. M.  
Talbot, J. G.  
Taylor, P. A.  
Tipping, W.  
Tollemache, hon. F. J.  
Torr, J.  
Tracy, hon. C. B. D.  
Hanbury-  
Trench, hn. Maj. W. le P.  
Trevelyan, G. O.  
Trevor, Lord A. E. Hill.  
Turner, C.  
Turnor, E.  
Vivian, A. P.  
Vivian, H. H.  
Wallace, Sir R.  
Waterhouse, S.  
Watney, J.  
Wedderburn, Sir D.  
Welby, W. E.  
West, H. W.  
Wheelhouse, W. S. J.  
Whitbread, S.  
White, J.  
Whitwell, J.  
Williams, W.  
Wingfield, Sir C.  
Woods, H.  
Yarmouth, Earl of  
Young, rt. hon. G.

## TELLERS.

Scalder-Booth, G.  
Scott, Lord H. J. M. D.  
Scourfield, J. H.

Lopes, Sir M.

Torrens, W. T. M'C.

## JURIES BILL. [BILL 35.]

(Mr. Attorney General, Mr. Solicitor General.)  
COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. ASSHETON CROSS protested against going on with the Bill at a quarter to 1 o'clock in the morning, and he moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Cross.)

THE ATTORNEY GENERAL said, that substantially the Bill was unopposed. There was only one clause opposed, and he would leave that one out.

MR. GLADSTONE said, that at the present period of the year, the effect of such a Motion would be to lengthen the Session.

MR. R. N. FOWLER said, that there were four pages of Amendments.

THE ATTORNEY GENERAL said, that the Amendments really were practically arranged.

MR. ASSHETON CROSS refused to withdraw in consequence of the extremely late sitting. On Monday the House sat till 4 o'clock, on Tuesday till 2, and they were to meet at 2 this day, it being now a quarter to 1 o'clock.

Question put.

The Committee divided: — Ayes 78; Noes 126: Majority 48.

MR. F. S. POWELL moved that the Chairman do now leave the Chair.

MR. J. LOWTHER wished to remind the Prime Minister who had warned the Committee that to agree to this Motion would lengthen the Session, that he had undertaken to find a day for a measure which could not possibly pass this Ses-

sion, and which would therefore convert the House into a debating club.

MR. GLADSTONE had never said that he proposed to lengthen the Session by discussing a Bill that could not possibly pass. It was a harsh and unfair thing on the part of a small minority to press such a Motion; but as he did not wish to see a repetition of the divisions and late sittings of the last week, he would leave the hon. Gentleman to enjoy his victory.

MR. BERESFORD HOPE protested against the tone and manner of the right hon. Gentleman, and declared that it would be an act of tyranny on the part of the majority to attempt to force this Bill through Committee at such an hour. The Opposition had been sitting there during a long and arduous evening to protect the Government against its unruly and terrible children below the gangway, and at 1 o'clock in the morning they ought not to be subject to such comments.

*Motion agreed to.*

Committee report Progress; to sit again *To-morrow*.

LICENSING LAW AMENDMENT (SCOTLAND)  
BILL.

Considered in Committee.

In the Committee.

*Resolved*, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Licensing Laws of Scotland.

Resolution reported:—Bill ordered to be brought in by Sir ROBERT ANSTRUTHER, Sir GRAHAM MONTGOMERY, Sir DAVID WEDDERBURN, Mr. CHARLES DALBYMPLE, and Mr. FORDYCE.

Bill presented, and read the first time. [Bill 247.]

REPRESENTATIVE COUNCILS IN COUNTIES  
(IRELAND) BILL.

On Motion of Mr. BUTT, Bill to provide for the better administration of public moneys now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish counties for the management of local affairs, ordered to be brought in by Mr. BUTT and Mr. CALLAN.

RATING LIABILITY (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Law relating to the liability of property in Ireland for the purposes of Rates and Taxes, ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 246.]

House adjourned at half after One o'clock.

*Mr. J. Lowther*

HOUSE OF LORDS,

*Friday, 18th July, 1873.*

MINUTES.]—PUBLIC BILLS—Second Reading—Exchequer Bonds (£1,600,000)\* (222); Treasury Chest Fund\* (217); Steam Threshing Machines (210).

Committee—Conveyancing (Scotland) (141-227). Committee—Report—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3)\* (166); Highland Schools (Scotland)\* (205). Report—Court of Queen's Bench (Ireland) (Grand Juries)\* (224).

Third Reading—Blackwater Bridge\* (197); Public Works Loan Commissioners (School and Sanitary Loans)\* (193); Gas and Water Works Facilities Act, 1870, Amendment (201), and passed.

ENDOWED SCHOOLS COMMISSIONERS—  
DENBIGH FREE GRAMMAR SCHOOL.

MOTION FOR AN ADDRESS.

THE BISHOP OF BANGOR rose to move that an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the schemes of the Endowed Schools Commissioners for the management of the Free Grammar School and of the Blue Coat School Charity at Denbigh, in the county of Denbigh, North Wales. The school was in an altogether exceptional position, and ought not to be brought under the operation of the Act of 1869. This was a denominational school, and as such had received the annual Parliamentary grant, and therefore came under the exemption of the 19th clause. He understood that the Rector of Denbigh had applied for the necessary certificate from the Education Department, but he had not received it. The endowment possessed by these schools had hitherto extended the benefits of education over a very large population; but if the scheme of the Commissioners was approved of, the advantages would be taken from the poorer classes and transferred to the middle and well-to-do class. Another effect of the scheme of the Commissioners would be to sever the connection of the schools with the Church of England; but they were founded expressly in connection with that Church.

Moved that an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the schemes of the Endowed Schools Commissioners for the management of the Free Grammar School and of the Blue Coat School Charity at Denbigh in the county of Denbigh, North Wales.—(The Lord Bishop of Bangor.)

LORD LYTTELTON said, that the legal advisers of the Endowed Schools Commissioners and those of the Education Department had given opinions against the claim of exemption from the operation of the 19th section of the Act which the opponents of the scheme had set up. It was not correct to say that these endowments were intended solely for the poor—it was distinctly stated, that they were intended for the children of the labouring class and poorer tradesmen. What was intended by the Commissioners was to amalgamate these schools so as to make the several endowments belonging to them more serviceable than they could possibly be under the existing system. He denied that these schools were expressly Church of England schools. It was true that the boys had been sent to the National School, and that some of the funds had been applied to building the National School. But this he contended was a breach of trust, though not an intentional one, on the part of the Governors. There could be no doubt that the education of the poorer class of children at Denbigh would be provided for by the Elementary Education Act; and it was proposed by the aid of these endowments to provide the district with the means of higher education. The scheme had been much discussed in North Wales and had received general approval; and the town council of Denbigh were in its favour.

THE MARQUESS OF SALISBURY denied that in considering any scheme of the Endowed Schools Commissioners either House of Parliament was bound by the precise words of the Act of 1869. If the terms of the Act were not properly carried out, there was an appeal to the Privy Council; but it was further provided—without limiting the grounds on which the House had to exercise its power—that either House should have power to see whether the Act was carried out in the spirit in which Parliament had passed it, or whether words and technicalities had been taken advantage of in order that the Act might be used in a way that had never been intended. What those who opposed this scheme complained of was the same as had been complained of in other and similar cases—not that the letter but that the spirit of the Act had been violated. The school with which it was now proposed to deal had hitherto been regarded as

a Church school—the fact that the Rector of Denbigh for the time being had been appointed, by the founder an *ex officio* Trustee plainly indicated his intention that the school should be conducted as a Church school. The effect of the scheme of the Commissioners would be to hand it over to the Dissenters; and he submitted that it was not in accordance with any fair and honest dealing that a school which had hitherto belonged to the Church should be handed over to the Dissenters. If the Commissioners proposed to give over the school to the Dissenting Bodies, they ought openly to avow it, and discuss the question upon that basis. The Endowed Schools Act, however, was not passed with any such purpose, and he demurred to any scheme by which that object would be carried into effect. But the ground that attracted his sympathy most on the present occasion was the operation of the scheme in respect of the poor. It was said that elementary education in Denbigh would be cared for under the Act of 1870, and that middle-class education would be promoted by this scheme. But this was an elementary school. The noble Lord (Lord Lyttelton) said it was a school for the labouring class and poor tradesmen. He seemed to imagine that labourers and poor tradesmen were not proper subjects for an elementary school. Under the scheme it appeared that the tuition fees would amount to not less than 2s. 6d. per week, and not more than 5s. Such fees, he submitted, poor tradesmen would not be able to pay for the education of their children. The result therefore would be to throw the benefits of the endowment into the hands of the middle classes. The best way to encourage education was to treat educational endowments as sacred. Did they seriously believe that any man, anxious for a middle class or any other education, would give his money and alienate it from his family for ever if he knew that some generations hence it would be dissipated to suit the peculiar theories of the Lytteltons and the Robinsons of that day? There was another reason why this scheme should not be adopted. In a Bill now before the other House of Parliament it was provided that in the case of endowments under £100 a-year the Educational Department, and not

the Endowed Schools Commissioners, should deal with the endowment. The Government had accepted that policy—the endowment of this school was only £70 a-year—yet, while their Bill was still before Parliament, they introduced a scheme in direct contravention to their own policy. It seemed hard upon the Governors of the Denbigh schools that they should be punished only because they were a little too early to come under the provisions of the Bill.

**THE MARQUESS OF RIPON** said; he did not dispute the proposition of his noble Friend opposite, that the reference of those schemes to both Houses of Parliament was with the view that each House might object if it thought that the spirit of the Act was not fairly carried out. He thought, however, that his noble Friend had entirely misunderstood the provisions of the Act of 1869, and the principles on which it was founded. He must deny that the foundation in this case was for elementary education, and also that the endowment was under £100 a-year. If his noble Friend would refer to the provisions made by the Founder, he would find that he intended his endowment for the benefit of the children of the labouring class and the poorer tradesmen, and he distinctly laid down that the children should be educated separately and not in a public school. He (the Marquess of Ripon) therefore contended that the Governors in applying these funds to elementary education and sending the children to national schools had been guilty of a distinct breach of trust. On a former occasion the Rector of Denbigh took a view the very opposite to that for which he now contended. In 1865, a grant was made to the Denbigh School by the Department of Education. It was then the rule that when there was an endowment for elementary education, the amount of the endowment was deducted from the grant. Well, the Department proposed to make a deduction in this instance; but the Rector met that proposition by the statement that the endowment was not connected with elementary education. The rev. gentleman's assertion was accepted in 1865, and up to the present time the managers had been receiving a grant of public money in consequence of the Rector's representation that the endowment was not connected with elementary educa-

tion. It was said that the scheme which their Lordships were asked to reject took advantages from the poor and handed them over to the middle-class; but he must point out that the scheme provided for exhibitions which were to be competed for in the public elementary schools of Denbigh. Was not this an effectual method of fostering and raising the education of the labouring class? The exhibitions would enable those who gained them to pass to schools of a higher class. By agreeing to this scheme an undoubted stimulus would be given to the educational power of this school, which would be greatly injured were their Lordships to accept the Motion of the right rev. Prelate.

**LORD CAIRNS** remarked that the Bill now before the other House of Parliament—the Endowed Schools Act (1869) Amendment Bill—would exempt from the control of the Endowed Schools Commissioners all schools the aggregate educational endowments of which were less than £100 per annum. Seeing that the educational endowment of the present school only amounted to £70 per annum—for though its income as a charity amounted to £127 a-year, only £70 of that was applicable to the purposes of education—the establishment would undoubtedly come within that exemption if the Bill to which he referred had become law; and, in his opinion, it was unwise and unfair to allow the Commissioners to exercise with regard to this school a power which in a very few days would altogether cease. He had always protested against one of the views taken by the Endowed Schools Commissioners as being erroneous. The Commissioners seemed to consider that since the Elementary Education Act was passed—two years after their own appointment—they were entitled to take up that Act and say that now that Parliament had provided for the elementary education of the country, they must direct their efforts to devoting educational endowments to middle-class education, inasmuch as the rates levied under the Act would provide for primary education. But this was an entire perversion of the spirit and intent of Parliament in passing the Elementary Education Act. What they intended by that was, not that it should be exhaustive with regard to the primary education of the country, but that it should fill up any vacancies in that

*The Marquess of Salisbury*

education wherever it might be found. The Endowed Schools Commissioners went upon the reverse principle, and sought to increase the vacancies by applying endowments intended for elementary education to the purposes of middle class education. This, he ventured to say, was a breach of faith towards Parliament and the country. For these reasons he should support the Motion for the Address.

On Question? Their Lordships divided:—Contents 68; Not-Contents 46; Majority 22.

*Resolved in the Affirmative.*

ENDOWED SCHOOLS COMMISSIONERS—  
HEATH FREE GRAMMAR SCHOOL.

MOTION FOR AN ADDRESS.

THE MARQUESS OF SALISBURY moved that an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the Free Grammar School of Queen Elizabeth at Heath, in the borough of Halifax, in the county of York, and of all the endowments thereof. The only question at issue in this matter was whether this school was or was not a Church of England school. The school was founded by the Vicar of Halifax in 1584, by a patent from Queen Elizabeth, under which the Archbishop of York was to have the power of making statutes for the management of the school. The school had been, since its foundation, a Church of England school on the strictest principles. As often as it had been dealt with by the Court of Chancery the consent of that Prelate had always been obtained, and its scholars had always up to the present time received a religious education according to the doctrine of the Church of England. To all intents and purposes, therefore, it had been a Church of England school. But the Endowed Schools Commissioners had refused to recognize that character in the constitution of the new trust. The Vicar was no longer, as all his predecessors had been, one of the *ex officio* members of the Governing Body—the Archbishop of York disappeared; and, in fact, the school was filched altogether from the Church of England, and handed over to the chances

of management and co-optative government. He thought this scheme ought to be set aside.

*Moved* that an humble Address be presented to Her Majesty, praying Her Majesty to refuse her assent to the scheme of the Endowed Schools Commissioners for the management of the Free Grammar School of Queen Elizabeth at Heath in the borough of Halifax in the county of York, and of all the endowments thereof.—(The Marquess of Salisbury.)

THE MARQUESS OF RIPON was understood to say that the Archbishop of York offered no opposition to the scheme of the Commissioners. Neither by the will of the Founder, nor according to the scheme settled by the Court of Chancery in the reign of George II., was the Vicar of Halifax constituted an *ex officio* member of the Governing Body, and he had never been one of that body except as an elected member. There was no desire to deprive the Vicar of his position, and by the present scheme not only the present Vicar, but every one of the existing Governors, was placed upon the Governing Body. Therefore he did not think the scheme was fairly open to the objection of the noble Marquess. There appeared to be a disinclination on the part of the Governing Body of this school to have an interview with the officials of Education Department for the purpose of discussing its condition with reference to the provisions of the Endowed Schools Act. He regretted that the noble Marquess should have thought it his duty to propose this Motion, when no complaint had been made with reference to the new plan for the government of this school either to Mr. Forster or to himself.

After a short discussion, in which Lord Cairns, the Marquess of Ripon, and the Marquess of Salisbury took part, but which was almost inaudible,

On Question? *Resolved in the Negative.*

CONVEYANCING (SCOTLAND) BILL.

(*The Lord Chancellor.*)

(no. 141.) COMMITTEE.

House in Committee (according to Order).

Clauses 1 and 2 agreed to.

Clause 3 (Estates of superiority and property to be separate. Certain reserved rights shall import an estate of property.)

LORD COLONSAY said, the Bill looked like an attempt to reconcile two things which were in themselves irreconcilable — namely, the conversion of feu tenure and the preservation of the right of superiority. Hitherto the superiors had in law been held to be the proprietors of the land, subject to the burden of such feus as had been granted, and as such they had been in the enjoyment of important rights. That system had hitherto worked well. It was now proposed to divest the superiors of these rights, and to leave them only the name. This clause went to upset the existing system, to which no objection had been taken, but which, to judge by the reception this Bill had met with, was popular in Scotland. Men of business throughout the country were opposed to the change. Petitions against it had been presented from Edinburgh, Glasgow, Aberdeen, and other places in Scotland, where feuing was much resorted to. It was the favourite practice of persons who had been successful in trade to feu small pieces of land for the purpose of building dwelling-houses which they could call their own and of which they could never be deprived. They preferred land on this tenure to leases of any length; feus were rights in perpetuity and maintained their value throughout, whereas leases were temporary rights and diminished in value with the efflux of time. But the provisions of this Bill interfered so much with the safety of superiors in regard to feus that they would be compelled to limit themselves to the granting of leases only, which would be much less satisfactory to the people. Feu duties were at present a favourite investment, and money could be borrowed upon them on more favourable terms than on leases; but he was informed that since this Bill had been introduced this species of property had fallen two, three, and even four years' purchase. Nobody in Scotland wanted this change, and for himself he doubted much whether it would be an improvement. He certainly thought that before accepting a legislative change of this kind, there ought to be some Parliamentary inquiry whether the change was wanted. It seemed to him that it was a mere speculative view, opposed to the Report of a Royal Commission made in 1838, and also opposed to the opinion both of those interested

and of those who were best qualified to judge of the effects of such a change. He therefore felt bound to move the omission of the clause.

*Moved, to omit Clause 3.—(The Lord Colonsay).*

THE LORD CHANCELLOR said, that notwithstanding the high authority of the noble and learned Lord, he felt bound to differ from him. The Bill would certainly introduce changes in the existing system of land conveyancing in Scotland, but he did not believe that these changes would have any but a beneficial effect upon such transactions. It was not intended to alter substantially any of the rights of the superiors or their feuars. What was intended by the Bill was to introduce a system whereby those rights might be more conveniently enjoyed. However, to meet the wishes of the noble and learned Lord, he had no objection to omit from the clause the definitions of estates of superiority and property, and leave only that portion of the clause which provided that estates of property should, with respect to title, be independent of any estate of superiority.

LORD COLONSAY said, this did not at all meet his objection.

On Question, That the Clause stand part of the Bill? Resolved in the Negative.

*Clause struck out.*

Clause 4 (Renewal of Investiture abolished).

On the Motion of Lord COLONSAY, the latter part of the clause *struck out* and new paragraphs *inserted*—(Investiture to imply confirmation. Implied confirmation not to affect rights of superiors to feu duties, &c. Action in lieu of declarator of non-entry.)

*New clauses added.*

Clause (A.) (Corporation to pay composition every 25 years).

*Clause 5 agreed to.*

*Clause 6 struck out.*

Clause (B.) (Conveyance to vassal to operate as consolidation of superiority with property) in lieu of Clause 7.

Clause (C.) (Memorandum of allocation of property) in lieu of Clause 8.

*Clauses 9 and 10 struck out.*

Clause (D.) (Completion of title when deceased heir not served).

Clauses 11 to 20 agreed to, with Amendments.

New Clause (E.) after Clause 20—(Where feu rights with casualties are contracted to be granted).

Remaining clauses agreed to, with Amendments.

The Report of the Amendments to be received on Thursday next; and Bill to be printed as amended. (No. 227.)

**STEAM THRESHING MACHINES BILL.**

(*The Earl of Morley.*)

(No. 219.) **SECOND READING.**

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill be now read the second time, said, that the object of the Bill was to prevent accidents arising from the use of these machines owing to their not being properly fenced. Last year 12 of those accidents occurred to women and children, some of them being of the most horrible description. The Bill, therefore, required that the drum of every steam threshing machine shall be provided with a sufficient fence whenever it shall be in use, and inflicted a penalty of £10 on the owner of the machine for not so providing it. Another clause provided that if any person suffers bodily injury in consequence of default of the owner of the machine, after notice in writing has been given to him by an Inspector of Factories that such machine is dangerous, such owner shall be liable to a penalty of £50. The measure was very much needed, and the Government had been strongly pressed to bring it in. There was ample precedent for it in their factory legislation; and altogether there was sufficient justification for its introduction, even at this late period of the Session. It had been suggested that it was necessary to give some time to enable the fencing to be effected before the Bill came into full operation, and the Government would therefore consider, before the Committee was taken, what the length of that time should be.

Moved, that the Bill be now read 2<sup>o</sup>.—(*The Earl of Morley.*)

THE DUKE OF BUCKINGHAM thought that five or six months should be given for the putting up of the requisite fencing.

Motion agreed to; Bill read 2<sup>o</sup> accordingly and committed to a Committee of the Whole House on Tuesday next.

**GAS AND WATER WORKS FACILITIES ACT (1870) AMENDMENT BILL.**

(*The Earl Cowper.*)

(No. 201.) **THIRD READING. BILL PASSED.**

Bill read 3<sup>o</sup> according to Order.

LORD REDESDALE moved an Amendment restricting the increase of rates to cases where the companies could prove, that in spite of careful economy, they were likely to incur a loss.

Amendment moved, Clause 7, line 25, to leave out ("with a view to prevent undue loss.")—(*The Lord Redesdale.*)

EARL COWPER said, that the companies' dividends having been limited while the price of materials was low they were entitled to increase their rates, provided the dividends obtained by the increase did not exceed 5 per cent.

THE DUKE OF RICHMOND also thought the increased price of coal entitled companies to increase their rates so as to secure dividends of 5 per cent.

LORD REDESDALE said, the companies had had a monopoly, and in many cases the works were expensively carried on. Some companies still earned dividends with low rates.

On Question, that the words proposed to be left out stand part of the Bill? Their Lordships divided:—Contents 13 : Not-Contents 9 ; Majority 4.

Bill passed, and sent to the Commons.

House adjourned at half past Ten o'clock, to Monday next,  
Eleven o'clock.

**HOUSE OF COMMONS,**

*Friday, 18th July, 1873.*

**MINUTES.] — SELECT COMMITTEE — Report — Public Departments (Purchases, &c.) [No. 311]; Locomotives on Roads [No. 312]; Coal [No. 313].**

**PUBLIC BILLS — Second Reading — Local Government Provisional Orders (No. 6) \* [244].**

**Committee — Report — Considered as amended — Rating (Liability and Value) (re-comm.) [205-250].**

**Considered as amended — Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* [229].**

**Withdrawn — Valuation \* [147].**

The House met at Two o'clock.

CANTERBURY CATHEDRAL—ALLEGED  
“PILGRIMAGE”—QUESTIONS.

MR. WHALLEY asked the First Lord of the Treasury, with reference to the recent pilgrimage of Roman Catholics to the tomb of Saint Thomas à Becket, Whether he is aware that the Reverend A. J. Christie, a Jesuit Priest, was permitted to have the exclusive use of Canterbury Cathedral while lecturing, for above an hour to a large concourse of pilgrims in eulogy of the abbots, monks, and priests of old who built and were connected with that Cathedral, and in disparagement of the Protestant Reformation; and, whether he deems it expedient that any and what steps should be taken to prevent the recurrence of such proceedings?

MR. GLADSTONE: I need hardly observe, Sir, that I have no authority which enables me to give to my hon. Friend any account of the proceedings which occurred in Canterbury Cathedral on the occasion in question; but as an old College friend of mine has been canon of that Cathedral for some 30 years, I wrote to him, and mentioned this Question, and said if he gave me any information I should be happy to communicate it to my hon. Friend. Well, Sir, after a careful perusal of my friend's letter in reply I have arrived at the conclusion that, as far as I can see, there are only two suspicious circumstances connected with the case. One is, that a body of Roman Catholics did visit the Cathedral of Canterbury upon a day which seems to be in some manner connected with the memory of St. Thomas à Becket; and the other is, Sir, the colour of the paper which they issued, containing the announcement of the projected visit, and which seems to have some mysterious connection with his martyrdom. [Laughter.] In all other respects I think my hon. Friend will consider my answer satisfactory. The facts are these:—In the first place, there was no “pilgrimage.” A local paper referred to this visit as a “pilgrimage,” but the Roman Catholic priest of the congregation which exists at Canterbury put a letter into that paper stating that it was simply a visit of pleasure and not a religious ceremonial. Then as regards the conduct of the Dean

and Chapter, I am not aware, and I have not been informed, that there was any exclusive use of Canterbury Cathedral. The gentlemen to whom my hon. Friend refers very judiciously paid their visit during the hours when the Cathedral is open to the public, and they, of course, were not excluded. There is no limitation as to the particular number of persons, and I hope there never will be, who may enter our cathedrals; and they went—and I cannot blame them for it, under the guidance of a gentleman, who it appears is a Priest, and has made himself thoroughly conversant with the history of a great deal of the extremely interesting matter that is connected with that great metropolitan church. But I am told they behaved themselves in a most unexceptionable manner; they made no assumptions whatever. They endeavoured apparently to get what they could from the lecture of Mr. Christie, and I am sure the hon. Gentleman would think them quite right, as he himself shows great interest in obtaining information in this House. I am told there was nothing whatever in the conduct of the visitors, nor, as far as my informant knows, in their language which could give offence to anyone. I hope that, upon the whole, is a pretty satisfactory account of the matter. My hon. Friend asks me whether any steps will be taken hereafter to prevent the recurrence of such proceedings. I can only understand two modes of preventing the recurrence of such proceedings, one is to shut the cathedrals against the public. But as one of the great triumphs, as I may call it, in a small way that has been achieved in recent times is, that whereas the cathedrals used to be shut against the public, they are now thrown open free of fee or cost of any kind, except where much inspection of valuable monuments may be required, for whose safety it may be requisite to levy a small fee, I think it would be a very great pity to reverse that practice. The other mode would be to administer a religious test, which I do not think would be satisfactory, and I doubt whether it would be effectual. Moreover, there is very great reason for doubting it; for although many Roman Catholics belonged to this party, yet I believe it is a fact that a considerable number of Protestants also were so injudicious as to be anxious to be present and themselves

take advantage of the lecture. I wish, at all events, to appear not disinclined to give my hon. Friend the information he asks for.

MR. WHALLEY: I am extremely obliged to the right hon. Gentleman, and perhaps he will allow me to ask him this Question—Do I understand that I, who take a great interest in St. Thomas & Becket, might be allowed to address a number of persons in Canterbury Cathedral?

MR. GLADSTONE: I have no authority in Canterbury Cathedral; but I have no doubt, if my hon. Friend likes to issue an advertisement of this character—to have a party come down and give them the same kind of useful information as that which appears to have been given on this occasion—that he would receive the same courtesy and kindness which they received, and which I believe is afforded to all who visit that Cathedral.

#### IRISH LAND ACT.—QUESTION.

MAJOR TRENCH asked the Chief Secretary for Ireland, Whether the Lord Lieutenant of Ireland has, under the sixty-third section of the Irish Land Act of 1870, directed any and what sums to be paid to the clerks of the peace for the additional duties imposed upon them by that Act; and, if so, whether he can state how soon the issue of the additional salaries to those officers will be authorized, and what has been the cause of the delay in approving of them?

THE MARQUESS OF HARTINGTON, in reply, said, the question with respect to the remuneration of clerks of the peace for additional duties imposed on them by the Act had been answered yesterday.

#### PARLIAMENT—PUBLIC BUSINESS— RULES AND PRACTICE OF THE HOUSE. QUESTIONS.

MR. HERMON asked the First Lord of the Treasury, Whether, looking to the fact that the House could not be made till one o'clock on Wednesday last, it is the intention of the Government to appropriate the remaining Wednesdays of the Session for the despatch of Government Business?

MR. GLADSTONE: Sir, we are very desirous, and I believe it would be for

the convenience of the House, to obtain as large a portion of time as possible for Public Business during the remainder of the Session. At the same time, that must be done within the rules and precedents which I find are applicable to cases of this kind. It has been usual to ask the House to give up Tuesday evenings to the Government about three weeks before the termination of the Session, and as I hope the Session will terminate within three weeks or somewhat less from the present time, it would not be unreasonable to ask the House for the remaining Tuesday evenings. There is, however, on the Notice Paper a Motion for Tuesday evening of my hon. Friend the Member for Brighton (Mr. Fawcett), who intends to ask the House to agree to a very important question with respect to the distribution of seats and matters connected therewith. That may constitute a reason why we should not ask for that particular evening; but my impression is that, on the whole, viewing the period of the Session, the House would not be disposed to entertain it, or think it a practical proposal at the present time, particularly as a Bill stands on the Paper for several months, which should be discussed, and the discussion of which will give my hon. Friend the opportunity of advancing all he wishes on the question. If, however, my hon. Friend wishes to bring it on, of course he will be at liberty to do so; but the Government must meet the Motion with a direct negative. I do not think, then, it would be quite fair to ask for next Wednesday, because it would not be quite conformable to usage, and I do not wish to go beyond usage. The practice appears only to have been to ask for the very last Wednesday in the Session. I hope the hon. Member will approve that method of proceeding. I believe my hon. Friend the Member for Brighton is out of town; but after this public intimation, I shall probably give Notice on Monday that on each remaining Tuesday evening Government Orders have precedence.

In reply to Mr. R. N. FOWLER,

MR. GLADSTONE said, he hoped the prospects of the Session would justify the Government in asking that Wednesday, the 30th of July, should be given to Government Business.

**THE VALUATION BILL.  
QUESTION.**

In reply to Mr. ASSHETON CROSS,

Mr. STANSFELD said, he was reluctantly obliged to withdraw the Valuation Bill, in consequence of the advanced period of the Session.

**METROPOLIS—BETHNAL GREEN  
MUSEUM.—QUESTION.**

Mr. WHEELHOUSE asked the First Commissioner of Works, Whether it be intended immediately, or if not immediately, when, to put the land within the iron railing now surrounding the Museum at Bethnal Green into proper order?

Mr. AYRTON, in reply, said, that instructions had for some time been given to lay down the piece of land within the railings of the Museum with turf, and he hoped it would soon be done.

**IRELAND—THE LETTER-MULLEN  
COASTGUARD.—QUESTION.**

Mr. MITCHELL HENRY asked the Chief Secretary for Ireland, Whether he can now give the House an explanation of the circumstances attending the arrest and imprisonment for eight days of John Larkin, one of the chief witnesses against the coastguard in the Lettermullen shooting case; and, whether the Government is aware that this man was imprisoned on the charge of perjury upon the sole testimony of the person already awaiting his trial for manslaughter, and at a time when Larkin had voluntarily visited Galway for the purpose of obtaining his salvage money, thirty miles from where the inquest had been held, at which the accused person said Larkin had perjured himself?

The MARQUESS OF HARTINGTON, in reply, said, he had received a report on the subject from Mr. Hill, the resident magistrate in Galway, and he did not think he could answer the hon. Member's question more briefly than by reading an extract from that report. Mr. Hill stated that John Larkin was brought before him charged with being drunk and disorderly in the public streets of Galway, and was fined 5s. and costs, or in default, seven days' imprisonment. Immediately after his conviction for the above offence, Lieutenant Drew, of the

Royal Navy, tendered an information, in which he charged Larkin with having committed wilful and corrupt perjury at the coroner's inquest, and added that he had reasonable grounds to believe that Larkin was about to leave the country, and upon that information, tendered in open Court, he (Mr. Hill) considered it his duty to remand Larkin to the next petty sessions, but he subsequently went to the gaol and informed Larkin that he was ready at any time to take ordinary bail for his appearance. No one appeared to bail him, and when he was brought up on the remand warrant eight days after, he got one man to enter as security for his appearance at the petty sessions, and he was forthwith discharged. Having appeared at the petty sessions, he was fully committed for trial at the next Galway Assizes for wilful and corrupt perjury, bail being offered and accepted for his appearance. He (the Marquess of Hartington) did not know that there was anything in that statement absolutely inconsistent with that contained in the question of the hon. Member; but he was unable to perceive that the resident magistrate, under the circumstances, could have acted otherwise than he did. He trusted that pending the trial, which would take place next week, there would be no further discussion on this subject.

**ARMY—ROYAL MARINES AND ROYAL  
MARINE ARTILLERY.  
QUESTIONS.**

Mr. HENRY SAMUELSON asked the First Lord of the Admiralty, with reference to his statement of June 30th, that—

"A proposal to grant the identical promotion to the Royal Marine Artillery which had been granted to the Royal Artillery had never been placed before the Admiralty, and, therefore, he never had an opportunity of consenting or refusing."

Whether Petitions or Memoranda were not received by the Admiralty in 1872 from the Senior First Captains serving (1) at Head Quarters, (2) in the Channel Fleet, and (3) in the Mediterranean, praying for the same promotion which had been granted to First Captains in the Royal Artillery; and if such Petitions were received, whether he has any objection to state what answers were given to them?

MR. GOSCHEN, in reply, said, that Memorials were received from three First Captains serving at Head Quarters, in the Channel Fleet, and in the Mediterranean in the course of July, relative to the general position of the Royal Marine Corps. They were only individual Memorials, and dealt, not exclusively with the position of the Royal Marine Artillery, but generally with the position of the Royal Marine Corps; nor did they pray, as a practical remedy for the grievances complained of, the same promotion which had been granted to First Captains in the Royal Artillery. The answer given to them was, that proposals had been made to the War Office, in which the Admiralty endeavoured to remedy the position both of the officers of the Royal Marine Artillery and of the Light Infantry. But the officers themselves never suggested that any difference ought to be made in their position.

MR. HENRY SAMUELSON asked the First Lord of the Admiralty, If it is true, as stated in the "Times" of the 7th July, that—

"There is considerable discontent at present existing among the officers of the Royal Marine Artillery at the Head Quarters of the Corps at Eastney, Portsmouth, at what they consider the unjust way they are treated for promotion in comparison with Officers of the Royal Artillery stationed in Portsmouth garrison. It is averred that many Officers of the Royal Artillery have been promoted to Majorities over the heads of Marine Artillery officers, where the latter have had very much greater length of service;"

And, whether the allegation contained in the last sentence is a true one?

MR. GOSCHEN, in reply, said, that all he could say on the subject was that he had received a Memorial from an Artillery officer at Eastney, Portsmouth, expressing dissatisfaction. No doubt, the officers of the Royal Marine Artillery felt dissatisfied at being superseded in certain cases by the officers of the Royal Artillery. The allegations of discontent were so far correct. On the other hand, as he had endeavoured heretofore to explain, the officers of the Royal Marine Artillery were never treated on different grounds in respect of promotion from those on which the officers of the Royal Marines and of the light Infantry were treated. If promotion were granted to the officers of the Royal Marine Artillery now in the same way as had been granted to officers of the Royal Artillery,

those officers would supersede the officers of the light Infantry, with long services, and in thus endeavouring to redress one grievance they would be establishing another. The Admiralty had applied to the War Office for the rank of major, both for the Royal Marines and the light Infantry, but the objection of the War Office was that such a concession would have the effect of superseding a large number of the officers of the Line. A compromise, however, was being effected which he trusted would give satisfaction to all parties concerned, and by it the Government had met the grievance as far as they could.

RATING (LIABILITY AND VALUE)  
(re-committed) BILL—[BILL 205.]

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert.*)

COMMITTEE. [Progress 15th July.]

Bill considered in Committee.

(In the Committee.)

Clause—

(Valuation of land used as plantation, &c.)

(The gross value of any land used for a plantation or a wood, or for the growth of saleable underwood, or for both such purposes, shall be estimated as follows:—

- (a.) If the land is used only for a plantation or a wood, the gross value shall be estimated as if the land were in its natural state, and let for agricultural or grazing purposes without any trees growing thereon;
- (b.) If the land is used only for the growth of saleable underwood, the gross value shall be estimated as if the land were let for that purpose;
- (c.) If the land is used for the growth of trees and of saleable underwood, the gross value shall be estimated either as if the land were used only for a plantation or wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine.)—(*Mr. Stansfeld,*)

—brought up, and read the first and second time.

Amendment proposed, in sub-section (a.) line 3, to leave out the words "in its natural state."—(*Mr. Goldmid.*)

Question proposed, "That the words 'in its natural state' stand part of the clause."

MR. STANSFELD explained that the words of the sub-section would be taken in their natural sense, and in the case of land used for a plantation or wood, the value of the land would be assessed simply as if the trees were not there.

Amendment, by leave, withdrawn.

COLONEL RUGGLES BRISSE moved, as an Amendment, in line 5, to insert after "natural" the words "or unimproved." He said if they were not inserted the clause would introduce a new principle into rating—namely, that you were not to be rated on what you have, but on what you ought to have. Many woodlands, indeed, would be rated at less than they were at present under the word "natural" only. What he and his hon. Friends complained of was, that land such as that alluded to was rated at its full value before any money was laid out upon its improvement. At the same time, there were many lands which, through long rest and the deposit of leaves, would, if cultivated, be as valuable as the lands by which they were surrounded; but the clause as it stood would require that these should be rated without any consideration for the outlay which would be required to bring the lands into a state of cultivation; and that suggested the question how far the principle was to be carried, and whether fens and marsh lands were to be assessed at that which might be made their value by a large outlay.

Amendment proposed, in line 5, after the word "natural," to insert the words "or unimproved."—(Colonel Brisse.)

MR. HENLEY said, he was not prepared to say whether the words proposed to be added would cover the difficulty. Upon consideration, however, he thought the words ought to be inserted. He would wish to see the right hon. Gentleman introduce into the measure some provision for making allowance for bringing the soil into cultivation, not that that would do away with all injustice, but it would render it less unjust. There would not be much difficulty in dealing with little bits of woods; but the clause would involve injustice in its application to large masses of woodland which could not be cultivated without large outlay for grubbing, farmhouses, and water supply, which in some cases there was great difficulty in procuring.

MR. CLARE READ thought the word "natural" might meet all the right hon. Gentleman had in view, because the assessment committee would have very little difficulty in arriving at a just conclusion by applying the word "natural" in its natural sense. That word would

give more information than the word "unimproved." Farm buildings were not natural improvements. Where there was woodland surrounded by arable land people were very likely to consider it of the same value as the land by which it was surrounded; whereas the one when the trees were removed was in its natural state, and the other in an improved condition. They therefore should not be rated on the same scale; and when the woodland came into cultivation, it was but reasonable that an allowance should be made for the capital to be invested, with the view of bringing about that result. But as the words proposed by his hon. and gallant Friend could do no harm, and might do some little good, he hoped the Government would accept them.

MR. STANSFIELD opposed the Amendment, and considered the word "natural," being a comparative expression, met all the difficulties of the case.

MR. HERMON, in supporting the Amendment, suggested that it would be better to use the word "unreclaimed," as having reference to the great cost of clearing the land of stumps and roots when the timber was cut down.

MR. HIBBERT, on the part of the Government, said, he would accept the Amendment.

MR. CANDLISH complained that the time of the House should have been taken up in the discussion of a matter so trivial, and opposed the Amendment. He should press the matter to a division.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 154; Noes 21: Majority 133.

Clause, as amended, agreed to, and added to the Bill.

Clause—

(Valuation and rating of rights of shooting, &c.)

(1.) Where any right of fowling, or of shooting, or of taking or killing game or rabbits is severed from the occupation of the soil and is not let, and the owner of such right receives rent for the land over which such right is exercised, the said right shall not (save as in this section mentioned) be separately valued or rated, but the gross value of the land shall be estimated as if such right were not severed, and the occupier of the land were entitled to exercise the same;

(2.) In the following cases, namely,—

- (a.) Where any right of fowling, or of shooting, or of taking or killing game or rabbits is let to some person who is not the occupier of the land over which such right is exercised, or
- (b.) Where the owner of any right of fowling, or of shooting, or of taking or killing game or rabbits severed from the occupation of the soil does not receive rent for the land over which the right is exercised,

the owner of the right may be rated as the occupier thereof;

(3.) Where the rateable value of any land occupied under any lease or agreement existing at the commencement of this Act is increased by reason of the gross value of such land being estimated in pursuance of this Act as if the right of fowling or shooting, or taking or killing game or rabbits, were not severed from the occupation of such land, the occupier of such land shall be entitled during the continuance of such lease or agreement to deduct from any rent he may pay for such land, or to recover as a debt from the person to whom such rent is payable, the amount of any poor or other local rate payable by such occupier in respect of such increase of rateable value, and any payments so authorised to be deducted shall be a good discharge for such amount of rent as is equal to the amount of such payment, and shall be allowed accordingly;

(4.) Every assessment committee, on the application of the occupier of any land who is authorised by this section to deduct any part of any rate, shall certify in the valuation list or otherwise the increase in the gross value and rateable value of such land by reason of the same being valued in pursuance of this section as if the right of fowling or of shooting, or of taking or killing game or rabbits were not severed from the occupation of such land;

(5.) Where the occupier is authorised by this section to deduct from any rent any sum in respect of any increase of rate, the person receiving such rent shall have the same right of appeal and objection with reference to such rate and to the valuation of the hereditament in respect of which such rate is payable as he would have if he were the occupier of such hereditament;

(6.) The owner of any right of fishing when severed from the occupation of the soil may be rated as the occupier thereof;

(7.) For the purposes of this section the person who, if the right is not let, is entitled to exercise any right of fowling, of shooting, or of taking or killing game or rabbits, or of fishing when severed from the occupation of the soil, or who, if the right is let, is entitled to receive the rent for the same, shall be deemed to be the owner of such right;—(Mr. Stansfeld,) —brought up, and read the first and second time.

On Question? “That the Clause be added to the Bill,”

MR. STAPLETON moved, as an Amendment, in sub-section 2, division (b), after “exercised,” to insert the

words “either the tenant or.” His object was to ensure that where the owner of any right of shooting, &c., severed from the occupation of the soil did not receive rent for the land over which the right was exercised, either the tenant or the owner of the right might be rated as the occupier thereof.

MR. MUNTZ thought that there would be considerable difficulty in settling who was to pay the rent under the clause. In his opinion they should rate the shooting.

Amendment agreed to; words inserted.

MR. J. S. HARDY moved, as an Amendment, in sub-section 3, line 1, after “land,” to leave out “occupied under any lease or agreement existing at the commencement of this Act,” and in line 6, after “entitled,” to leave out “during the continuance of such lease or agreement.” His wish was that not only during the existence of any lease or agreement, but also in the absence of any lease or agreement, the tenant-farmers should be entitled to deduct from the landlord on the next payment of rent the amount of rate paid in respect of the increase of rateable value caused by the gross value of the land being estimated as if the right of shooting, &c., were not severed from the occupation.

MR. STANSFIELD expressed his willingness to accept the Amendment, on condition that words should be inserted with the view of making the arrangement subject to any future contract or agreement between the landlord and the tenant.

MR. WYKEHAM MARTIN thought the rate for game should be paid by the landlord, he therefore opposed the Amendment.

COLONEL BARTTELOT feared that such an Amendment would not be for the interest of the tenant, because it would lead to the re-valuation of estates and an increase of rents.

Amendment agreed to.

On Question? That the Clause be added to the Bill.

LORD HENRY SCOTT protested against the principle of the clause, and contended that all land should be assessed irrespective of the purposes for which it was used.

Question put, and agreed to.

Clause, as amended, added to the Bill.

On the Motion of Mr. STANSFIELD, new clauses (Rating of property occupied by local authority); (Saving of special enactments as to valuation); and (Repeal of 43 Eliz. c. 2, as to saleable underwood) agreed to, and added to the Bill.

*House resumed.*

*Bill reported; as amended, considered.*

MR. COLLINS, in rising to move a new clause, providing for exemptions from rating of public elementary schools, said, he desired to put the non-board schools on the same footing as the board schools, and the elementary schools on the same footing as the ragged schools with respect to exemption from rating. If it were right to exempt Sunday and ragged schools, which were not a public necessity, the case in favour of public elementary schools was far stronger, because the State ordered the latter to exist, and their existence was a saving of the money of the ratepayers.

Clause (Exemption from Rates of Public Elementary Schools,) — (Mr. Collins,) — brought up, and read the first time.

On Question? That the clause be now read a second time,

MR. J. G. TALBOT, who had on the Paper a new clause of a similar kind, supported the Motion. A great portion of the property of the country was exempt from taxation, such as places of worship and public roads, and therefore the only thing to be considered was, whether the exemption now proposed was a fair one. He contended that it was. Whatever the State required to exist must be considered a public necessity. The country could go on without hospitals; for if there were none, the man who could not be treated in his own home could go to the workhouse infirmary. But the law said that elementary schools must exist, and they should therefore be exempted from rates. If the hon. Member for Hackney (Mr. C. Reed) were present, he (Mr. Talbot) would claim his vote on the ground that these public elementary schools were used as Sunday schools. There was no beneficial occupation; on the contrary, such schools were rather a source of loss to the managers. In some cases, the managers had to pay, not only a poor

rate and a highway rate, but a school board rate as well.

MR. HIBBERT said, he wished to remind the House, that that was not a Bill to create exemptions, and such being the case, he maintained that the case of public elementary schools was entirely different from that of Sunday and ragged schools, which were exempt under the provisions of the Act of 1869; and the Bill merely allowed that exemption to continue. His hon. Friend, however, desired to extend the number of exemptions; but after the feeling expressed by the House in favour of rendering all property liable to rating, the Government could not consent to this proposal.

MR. BERESFORD HOPE denied that the Bill did away with all exemptions. It did not remove the exemption of Sunday and ragged schools, which might be considered the luxuries and fancy articles of elementary education. That being so, it would be most unfair that the great class of schools which by the Act of 1870 had been elevated into the position of national institutions should be liable to rates. He could see no logic or consistency in the exemption of the less necessary institutions, and insisting on the rating of the more necessary.

MR. CANDLISH said, that elementary schools were often the private property of the owners and conducted for their profit. It might be illogical to exempt Sunday and ragged schools; but the country had determined that they should be exempted. But if elementary schools should also be exempted, where were they to stop? There was no wish in the country for that unjust exemption, and he considered it mischievous and absurd.

MR. DIMSDALE said, he thought that if Sunday schools, which were principally supported by Nonconformists, were exempted, and elementary schools, which were principally supported by Churchmen were not, an advantage would be given to Nonconformists which was denied to members of the Church of England.

MR. M'LAUREN said, that every public elementary school received a grant equal to half its expenditure from the Chancellor of the Exchequer; but Sunday schools and ragged schools did not receive a farthing.

MR. SCOURFIELD said, on the contrary, that many of such schools received no public money whatever. He believed the refusal of exemption in this case would increase the difficulty of passing the Bill.

MR. HENLEY said, that after all their labour, he feared the Bill had got plenty of anomalies, if not of injustices, in it, and those who wished it to have a chance in "another place" should be anxious not to send it up bristling with more anomalies than need be. In a matter of that kind, it would strike everyone as an anomaly that one class of schools should be rated and another free from rate. He could not see why ragged schools ought to be exempted and public elementary schools rated, more especially when it was considered that the latter were in 19 cases out of 20 used as Sunday schools, and therefore he should vote for the clause.

MR. STANSFIELD rose to say in the most unmistakable manner, that it was impossible for him to assent to the clause, and he was not tempted by the suggestion that by doing so he might facilitate the passage of the Bill in "another place." It was not necessary for him to satisfy the House that Sunday schools ought to be exempted in order to justify him in refusing the clause. When the Bill was introduced it contained a clause abolishing the permissive exemption of Sunday schools, but hon. Members knew that they were compelled in this instance to yield to superior force. There was all the difference between continuing a statutory exemption which already existed and creating another by a Bill the object of which was to abolish all exemptions.

MR. REED said, understanding that reference had been made to himself during his absence, he wished to explain that the object of the proposal which he made in 1870 was, that one-half the Sunday schools in the country should be placed on the same footing as the other half. All the Sunday schools attached to churches and chapels were previously exempt from rates, and a legal question having arisen with respect to the others, it became necessary to settle the matter by legislation. He did not come to the House to ask for exemption as a new thing in the case of Sunday schools.

Question put.

The House divided:—Ayes 91; Noes 130: Majority 39.

Clause 6 (Abolition of exemption of property used for local Government purposes).

MR. CAWLEY moved, as an Amendment, in line 40, to leave out from "otherwise" to end of clause. That qualification of the clause was surplusage, and the last three words were an invitation to the assessment committee to invent or imagine any purpose for which, in private hands, a building would command a high rental.

Amendment proposed, in page 2, line 40, to leave out from the word "otherwise" to the end of the Clause.—(Mr. Cawley.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. STANSFIELD said, the clause had been drafted by the best legal ability the Government could command, and he could not consent to any alteration. At best the words objected to were mere surplusage, and could do no harm.

MR. GOLDSMID suggested that the omission of the last three words, "for any purpose," would meet the difficulty.

MR. STANSFIELD said, he had no objection to the omission of the words "for any purpose," as verbal Amendments which he would at a later stage propose would, if adopted, secure that the object of the clause should be attained.

MR. HENLEY was glad the words were to be omitted, as, if they were surplusage, as he thought they were, their retention might lead in the carrying out of the Bill to mischievous results.

Amendment, by leave, withdrawn.

On the Motion of Mr. STANSFIELD, Amendment made by leaving out, at the end of the clause, the words "for any purpose."

Clause, as amended, agreed to.

Clause 7 (Payment of poor and other local rates for Government property, and scheme for defining and valuing the same).

MR. CAWLEY moved, as an Amendment, to omit lines 28 to 35, inclusive, containing words which provided that the acquisition, appropriation, and use

of Government hereditaments should be taken into consideration by the assessment committee in dealing with the rating of Government property.

Amendment proposed, in page 3, line 27, to leave out from the word "mentioned," to the word "together," in line 36.—(*Mr. Cawley.*)

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 147; Noes 42: Majority 105.

MR. CLARE READ hoped the Government would adopt some mode of rectifying an omission in the Bill with regard to the liability of a tenant to assessment in the case of timber. He had moved an Amendment on the subject which the Government were willing to accept, but through some oversight it had not been inserted in the amended Bill. He only asked in this case what was admitted in other cases—namely, that the tenant should be entitled to deduct any increase of rates arising out of the operation of the Bill from the landlord.

MR. HENLEY hoped the Bill would be reprinted before the third reading.

MR. STANFIELD said, it was proposed to read the Bill a third time on Monday, and in the meantime it would be reprinted.

Bill to be read the third time upon Monday next, and to be printed. [Bill 250.]

And it being now ten minutes to Seven of the clock, the House suspended its Sitting.

House resumed its sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### MERCANTILE MARINE—LOSS OF LIFE AT SEA.

##### MOTION FOR A COMMISSION.

MR. COWPER-TEMPLE rose to move—

"That it is expedient that a Commission be appointed to inquire and report to the Board of Trade as to the practicability of stowing con-

*Mr. Cawley*

veniently in Passenger Ships such a number of Refuge Boats or Rafts, or other insubmersible appliances, as may be sufficient in their aggregate capacity to receive all on board in the event of accidents to the ships."

The right hon. Gentleman was addressing the House in support of his Motion, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at twenty minutes after Nine o'clock till Monday next.

#### HOUSE OF LORDS, Monday, 21st July, 1873.

MINUTES.]—*Set First in Parliament*—The Lord Lytton, after the death of his father. Public Bills—First Reading—Rating (Liability and Value)\* (231).

Second Reading—Consolidated Fund, &c. (Permanent Charges Redemption)\* (198); Revising Barristers\* (218).

Select Committee—Report—Metropolitan Tramways Provisional Orders [No. 228]; Pollution of Rivers.

Report—Metropolitan Tramways Provisional Orders\* (139-229); Pollution of Rivers\* (59-230).

Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order (No. 3)\* (166); Court of Queen's Bench (Ireland) (Grand Juries)\* (224), and passed.

Royal Assent—Canonries [36 & 37 Vict. c. 39]; Canada Loan Guarantee [36 & 37 Vict. c. 45]; Thames Embankment (Land) [36 & 37 Vict. c. 40]; Shrewsbury and Harrow Schools Property [36 & 37 Vict. c. 41]; Tithe Commutation Acts Amendment [36 & 37 Vict. c. 42]; Indian Railways Registration [36 & 37 Vict. c. 43]; National Debt Commissioners (Annuities) [36 & 37 Vict. c. 44]; Sites for Places of Religious Worship [36 & 37 Vict. c. 50]; Railway and Canal Traffic [36 & 37 Vict. c. 48]; Blackwater Bridge [36 & 37 Vict. c. 46]; Blackwater Bridge (Composition of Debt) [36 & 37 Vict. c. 47]; Public Works Loan Commissioners (School and Sanitary Loans) [36 & 37 Vict. c. 49]; Elementary Education Provisional Order Confirmation (No. 4) [36 & 37 Vict. c. cxxxvii]; Elementary Education Provisional Order Confirmation (No. 5) [36 & 37 Vict. c. cxxxviii]; Elementary Education Provisional Order Confirmation (No. 6) [36 & 37 Vict. c. cxxxix]; Local Government Provisional Orders (No. 4) [36 & 37 Vict. c. cxl]; Local Government Provisional Orders (No. 5) [36 & 37 Vict. c. cxli].

**THE LATE BISHOP OF WINCHESTER  
AND LORD WESTBURY.**

**THE DUKE OF RICHMOND:** My Lords, before I proceed to the task I have undertaken on the present occasion, I cannot forbear from alluding to the very great loss this House and the country have sustained since our last meeting. We have lost two of our most distinguished Members, who since Friday last have passed to their rest. My Lords, one of them was a noble and learned Lord who had attained probably the highest rank which it is possible for a layman in this House to occupy, and he had done so by commanding talent and great eloquence. The other was a man whom, for a great many years, I had the privilege and gratification of claiming as one of my most intimate personal friends, whose genial and social talents were such that his removal from among us will long be lamented by a vast number of sorrowing friends. My Lords, I do not think that on the present occasion it is right or proper that I should dwell further upon this melancholy subject. I should not have felt it just to myself if I had remained altogether silent.

**OFFICERS OF HER MAJESTY'S ARMY  
—ABOLITION OF PURCHASE.**

**ADDRESS FOR A ROYAL COMMISSION.**

**THE DUKE OF RICHMOND** said, he had now, pursuant to Notice, to move an humble Address to Her Majesty for the issue of a Royal Commission to inquire into the allegations of officers of Her Majesty's Army in reference to grievances which they state they suffer consequent upon the abolition of Purchase. He had refrained till this very late period of the Session from bringing forward the Motion in the hope that Her Majesty's Government would see fit to recommend the appointment of a Royal Commission as their own act, and because he was most unwilling that the discipline and the management of the Army should be made a subject of discussion in either House of Parliament. We had not as yet "nationalized" our Army—it still continued to be the Army of the Queen, and was commanded and managed by officers appointed by Her Majesty, and for this reason, if for no other, he thought it undesirable that,

without good cause, questions affecting its interior organization should be brought before Parliament. There were, however, exceptional cases even in respect of a matter like this, and had he not believed the case of those officers was an exceptional one, he should not have brought it under the notice of their Lordships three months ago, and he should not now be coming forward with a Motion for an Address to the Crown. He asked their Lordships not to suppose that in any remarks he might make he intended to ask for a restoration of the system of Purchase which was abolished in 1871. That abolition was an accomplished fact, and it furnished him with one of the strongest arguments in favour of his Motion. For himself, he then thought, and he thought now, the abolition of Purchase a great mistake, because the system of Purchase, though an anomaly, had worked most satisfactorily for a very long time, and because by doing away with it so much money was unnecessarily taken out of the pockets of the taxpayers. But Her Majesty's advisers had recommended that Purchase should be abolished, and had supplanted it by certain rules which were intended to facilitate the change, and Parliament had sanctioned their proposals. Therefore, whatever might be his opinions as to the effect of the change upon the Army, and the expediency of laying this heavy burden on the taxpayers of the country, he accepted abolition of Purchase as an accomplished fact not to be reversed, and should argue his case upon that basis. The first question was—did any grievances in reality exist? and the next was—was there any case for the redress of such grievances? He believed that there were real grievances; but even supposing there were not, he would still contend that there was a case for inquiry; because even if there were no grievances, he defied anybody to contradict him when he said there was great discontent. He could name several of the alleged grievances, and go into details to prove their existence; but, except so far as referring to one or two cases by way of illustration, he did not intend to go into details which, in his opinion, were for a Commission of Inquiry rather than an Assembly like their Lordships' House. He would, for example, mention the case of those officers who had been placed compulsorily

on half-pay, and who, when they went before the Commissioners for their money, found themselves placed in a much worse position than they had any reason to think they would have been reduced to by reason of the abolition of Purchase. He would direct their Lordships' attention to a Return which he had moved for, and which had been presented to their Lordships' House, of the officers who, previously to the 1st of July, 1873, had memorialized the Commander-in-Chief with reference to their position and prospects consequent upon the abolition of Purchase. That Return showed the number to be 2,245. Those were officers quartered at home or in the home colonies. Now, what did such figures represent? Of Cavalry regiments they represented 9; of the Brigade of Guards, they represented 7 battalions; and of the Infantry of the Line they represented 68 battalions. Now, what were the total numbers of the officers of all ranks serving at home and in the home colonies? In the Household Cavalry there were 66; in the Line Cavalry, 333; in the Guards, 190; in the Infantry of the Line, 2,274 —making a total of 2,863, exclusive of colonels, who were not so much affected by the regulations for carrying out the abolition; so that their Lordships would see that rather more than two-thirds of Her Majesty's Army serving at home and in the home colonies felt themselves ill-used and ill-treated, and were therefore discontented. Although the General Officers who sent forward the memorials to the Horse Guards merely acted as machines in the transmission of the statement of grievances, some of them did express opinions which he would take the liberty of quoting to their Lordships. The first was from Major General Steele, commanding the forces in Ireland. He said—

"In forwarding these representations, I beg to say that it would appear therefrom that the officers serving in this command generally feel they have a grievance arising out of the abolition of the purchase system, and that they trust His Royal Highness may be able to devise some measures that may lead to the matter being duly considered."

Then Major General Horsford, commanding the South-East District, said—

"I have the honour to state that, while in no way offering an opinion on the merits of the various claims, it appears to me that it would be a satisfactory way of silencing complaint on the

part of the officers that their claims should be referred to inquiry of such a nature as would satisfy them as to its impartiality."

Major General Grevathed expressed this opinion—

"There is a very strong feeling among officers that they have been dealt with in a summary manner, and I am of opinion that a very great relief would be given to this feeling of dissatisfaction by a full and impartial inquiry conducted by men whom the Army could trust."

A letter from Lord Strathnairn, forwarding a memorial, was in these terms—

"I have the honour to enclose to you, for submission to His Royal Highness the Field Marshal Commanding-in-Chief, a letter from Colonel Baillie, commanding the Royal Horse Guards, conveying the individual expression of the grievances of himself, five captains, and ten lieutenants, arising from the recent Army Warrents for the abolition of purchase, and to express the hope that their respectful request for an impartial inquiry into the subject may be granted."

In transmitting a memorial from officers of different regiments serving under his command at Alderhot, Sir Hope Grant stated—

"I am fully convinced as to the strong feeling of discontent and dissatisfaction which prevails amongst the mass of regimental officers on the subject. This is mainly owing to the idea they have, that their case has never been gone into before an impartial tribunal. Without some such investigation I am certain that this feeling will go on increasing in intensity. I would, therefore, beg very respectfully to suggest, for the consideration of His Royal Highness, that a Royal Commission, before which the officers could unfold their views, and state the points in which they regard themselves as having been unfairly treated, would do more than anything else could to allay the feeling which now so unfortunately prevails."

He would ask, was it a satisfactory state of things when 2,245 officers were discontented, and one of the most distinguished officers in the service stated that nothing but a Royal Commission would remove that discontent? If he had nothing more than those facts, they would have made out his case for a Royal Commission. No inquiry would be satisfactory if it were not conducted by a perfectly independent tribunal. When the scheme for the abolition of Purchase was before the House of Commons, Mr. Cardwell, Sir Henry Storks, and Captain Vivian, speaking for the War Department, stated that they did not wish to place the officers of the Army in a worse position than they occupied during the existence of the system of Purchase. He (the Duke of Richmond)

*The Duke of Richmond*

quite believed that the Government were perfectly sincere in these statements, and that they had no intention of injuring these officers in the way they had been injured:—what he complained of was that the Government, in passing this measure, did not foresee the evils which would result from the operation of their scheme. But if they were sincere in their statement that they did not wish to place the officers in a worse position, and if the officers now said that they were in a worse position, were not the Government bound to grant them an inquiry, in order that the officers might have the means of showing how they had been injured and in what manner their grievances might be redressed? When the Army Regulation Bill was under discussion, the Government quoted the evidence of officers of distinction who were in favour of abolition. In March, 1871; Sir Henry Storks made this quotation from the evidence of Colonel Cameron, a distinguished officer commanding one of our infantry regiments.

"I am entirely in favour of the abolition of Purchase, and think the Government have acted in the matter with the greatest liberality. The Purchase System, in my opinion, is bad in every way."—[*3 Hansard*, cciv. 1739.]

But something must have happened since then to change Colonel Cameron's views—for when he looked to the Return containing the memorials sent in to the Horse Guards "consequent upon the Abolition of Purchase," he found attached to a memorial transmitted by Lieutenant General Lord Templeton, commanding the Southern District, the name of "Colonel Cameron, 4th Regiment." So that this gallant Colonel, who, when the scheme was under discussion, thought "the Government have acted in the matter with the greatest liberality," now included his name among the officers who had grievances to complain of in consequence of the operation of a scheme which he had commended so highly. Did not this show the necessity for inquiry? He would quote the testimony of another distinguished officer who had not only been an advocate of the scheme, but had himself acted as one of the Commissioners for the abolition of Purchase. On the 10th of March last, when the subject was before their Lordships' House, the late Lord De la Warr said—

"He would now point to a defect in the new system. He thought the powers of the Commissioners for the abolition of Purchase ought to be enlarged, so as to enable them to include among those entitled to compensation officers who ought never to have been excluded—for instance, old officers who, at the time of the reduction, were placed on the half-pay list without any desire of their own. They had lost an opportunity, and he thought they ought to be compensated for the loss; but if that one inequality were redressed, he would say that a large measure of substantial justice had been and would be meted out to the officers of the British Service under the arrangements of 1871."—[*3 Hansard*, coxiv. 1598.]

There was one great blot in the scheme which had given rise to the present state of things—there was no appeal from the Commissioners—their decision was final. If the officer who went before them did not like what they had to say, there was nothing for him but to make his bow and walk out. Nor was that all—for the Commissioners were not bound by the Act of Parliament to exercise their functions at all. Section 13 of the Act provided—

"No appeal shall be had from any decision of the Commissioners under this Act, and the Commissioners shall not be compelled by *mandamus*, injunction, or order of any Court to exercise or abstain from exercising any power conferred on them by this Act."

So that if any officer represented his case as one of hardship, and the Commissioners chose to say they would not entertain it, there was an end of the matter—they could not be compelled to go into the merits of the case. He must say that he thought the fact of there being no appeal from the Commissioners was an additional reason why a Royal Commission should be granted. By the Members of the Government the British Army had always been spoken of in the handsomest terms. The Secretary of State for War had stated—he was not sure whether it was not at the meeting of "The Druids" of which their Lordships had heard so much—that all which could be wished for was that the Army should be the same as the Army of Wellington and Marlborough. He quite concurred with the right hon. Gentleman, but he did not think the Government were going the right way about it. The servants of the Queen in the Army should not be put in a worse position than Civil servants; and what had the Chancellor of the Exchequer said as to the position of the latter?—

"The Civil servants make a bargain with the State, and the State makes a bargain with them for their whole lives, and every man comes into the service under well-known rules and conditions, and neither the Government nor the servant can depart from those rules and conditions. We hold the Civil servants to their bargain, and they hold us to ours, and beyond this we cannot go."

Surely, officers serving in the Army ought not to be placed in a worse position than that? But the officers of the Army were not treated in that fashion—the bargain under which they entered into the service of the State had been broken by the State, and it was not to be wondered at that discontent should be the result. He now came to the point that the tribunal of inquiry ought to be an independent one—he would not say an impartial tribunal, because he assumed that the Secretary for War would not make it anything but an impartial one. He ventured to say that no tribunal would be satisfactory if its members were nominated by the War Department. He meant no offence by this; because, with all respect for His Royal Highness the Field Marshal Commanding-in-Chief, he should say the same of any tribunal nominated by the Horse Guards. He held that no one sitting on the Commission should have the slightest interest, official or otherwise, in the subject matter of investigation. If a railway company proposed to take a man's land, he was reconciled to the proceeding because it was allowed only after an investigation by a thoroughly independent Committee. When it was remembered that Purchase was put an end to by an exercise of the Royal Prerogative, it could not be expected that officers who felt aggrieved would be satisfied with an inquiry conducted by a tribunal named by the Ministry who had advised that exercise of the Royal Prerogative. It might be said that the terms could not have been so bad for the officers, or they would have thrown up their commissions. The obvious answer to that argument was, that as the Act of 1871 had passed the officers could not sacrifice everything, but must put up with the terms of that Act, unless redress were given them by means of an inquiry. It would be a mistake to suppose that the discontent was only among the officers. It was felt by the men. Everything which affected the interest of the officers the men felt—

and rightly felt—to affect themselves; and they felt that their chance of getting any grievance of their own inquired into by an independent tribunal was very remote, when their officers failed in a case like this. He would now anticipate an objection which might be urged against his Motion. Such a Motion was not without precedent. On the 28th of April, 1863, Colonel Lindsay moved—

"That an humble Address be presented to Her Majesty, praying that she will be graciously pleased to appoint a Royal Commission to inquire into the claims of 21 Officers of the Army, who were promoted to the rank of Colonel in 1855 and 1856, as Aides de Camp to the Queen, and for distinguished service in the Crimean War, who, by a recommendation of the Royal Commission of 1858, which had reference to another class of Officers, have been deprived, to an undue extent, of the position they attained by the promotion conferred upon them; and to report to Her Majesty whether they are entitled to any redress; and, if so, to recommend in what form such redress should be accorded to them."—[*3 Hansard*, clxx. 864.]

At the end of the debate Lord Palmerston said—

"Sir, there are two things which I think it desirable to avoid, if possible. One is, the habitual interference of this House with the detailed management of the Army, because that is no part of the Constitutional functions of the House of Commons, and, if continued, must naturally lead step by step to very objectionable results; and the other is, the presence in the public mind of any circumstances which give rise to the opinion that injustice has been done to any class of deserving public servants . . . . The course which I would venture to suggest to the hon. and gallant Member opposite would, in my opinion, meet both objections. I should propose to him to withdraw his Motion, thereby avoiding committing this House to an interference with the detailed military administration of the Army; and, if he adopts that course, I will, on the part of Her Majesty's Government, engage that a Commission shall be issued. I trust that that will show that Her Majesty's Government have no desire to avoid inquiry, and have no wish to resist any suggestion which is founded upon a sense of injustice, whether rightly or wrongly entertained."—[*Ibid.*, 873-4.]

Under these circumstances Colonel Lindsay did not press his Motion—a Royal Commission was issued; General Peel was appointed Chairman, and the Commission was in these terms—

"Whereas it has been represented to us that 21 officers who were promoted to the rank of Colonel in the years 1855-1856 as our aides-de-camp, &c., 'consider that by the operation of our Royal Warrant of the 14th October, 1858, founded on the recommendation of the Royal Commission of 1858, they have been deprived to an undue extent of the position they attained by the promotion bestowed upon them,' and

whereas it has been represented to us that certain captains and lieutenant-colonels of the Guards, &c., 'consider that their positions have been unduly injured by the operation of the said Warrant,' &c. . . . . Commission to report whether these officers are entitled to redress, and if so, to recommend in what form such redress should be accorded to them."

But it might be urged, by way of objection to the Motion, that it would be against precedent to appoint a Royal Commission to inquire into the working of an Act of Parliament. He thought he would be able to show that there was abundant precedent for the course he asked to have adopted in this case. In 1837, when the Marines complained of the inferiority of their position, as compared with the rest of the Army, a Royal Commission was at once issued to inquire into their complaints. When the Indian officers were transferred to the Royal Army in 1858 they received a Parliamentary guarantee that all their privileges should be preserved to them, and when certain Petitions were presented to Parliament complaining that this guarantee had been violated, a Royal Commission was at once issued to inquire into the alleged grievance. When the Royal Artillery complained of the slowness of their promotion, inquiry was at once made into the question. After that a Royal Commission was appointed to inquire into the laws regulating the sale and consumption of excisable liquors in Scotland. In 1862, one was appointed to inquire into the operation of the Act to substitute in certain cases other punishments in lieu of transportation, and an Act to amend that statute. In 1865, there was one appointed to inquire into the operation of the marriage laws; in 1866 there was one on capital punishment, and in the same year one on oaths and affirmations, and in 1870 one to inquire into the operation of the Contagious Diseases Acts passed so recently as 1866 and 1869. He would now leave the case in their Lordships' hands, feeling perfectly satisfied that by their votes they would grant to the officers of the Army that justice which the humblest man in this country had a right to demand.

*Moved* that an humble Address be presented to Her Majesty, praying Her Majesty that she will be graciously pleased to issue a Royal Commission to inquire into the allegations of the officers of Her Majesty's Army contained in the memorials mentioned in the Return made to this

House (Parliamentary Paper 196.) as to the grievances which they state that they suffer consequent upon the abolition of purchase.—*(The Duke of Richmond.)*

THE MARQUESS OF LANSDOWNE said, it was always a matter of regret to him to differ from the conclusions of the noble Duke opposite, and on the present occasion he regretted it the more because he felt he was differing not only from the conclusions at which the noble Duke had arrived, but also from those of no inconsiderable number of gallant officers whose confidence the Government desired to retain, and whose interests the War Department was always anxious to promote. But the question now brought before their Lordships was of such importance that he thought it was his duty to look beyond the mere approval or disapproval of any class or profession, and to take care that nothing should be done which could impede the future administration of a Department or disparage the authority of Parliament. Their Lordships were confronted upon the present occasion with one fact of great importance, the large numerical signature of the officers' memorials, and from that fact the noble Duke drew two inferences, first, that there existed widespread discontent among the officers of the Army; secondly, that the only legitimate remedy for that discontent was the appointment of a Royal Commission. He (the Marquess of Lansdowne) would endeavour to ascertain what were the limits and what was the cause of the discontent, and then endeavour to show that the remedy which the noble Duke proposed was not the one which their Lordships should concur in. He thought the House would agree with him when he said that the fact that these memorials had been signed by so many officers was a very important event in the history of the British Army; and he proposed to treat it with that kind of treatment which an historical event generally received. He proposed to make some inquiry as to its antecedent circumstances; then to refer to external evidence in order to see whether the explanation suggested by the antecedents was confirmed by it or not, and thence to pass on to the evidence contained in the body of the memorials themselves. As to the antecedents, he would remind the House that the Government had found, as the result of inquiries by

a Royal Commission, that an illegal system of Purchase was in existence, and that it was impossible to put an end to the over-regulation payments without putting an end to the regulation payments also. Purchase was accordingly put an end to by Royal Warrant, and a measure was submitted to Parliament providing the terms, on which officers should be compensated for any loss which they might sustain, and he thought it would not be denied that the scale of compensation agreed to by Parliament was not only liberal, but amply liberal. But during the discussions on the subject, a strong opposition to the abolition of Purchase had been offered by a large body of the officers and their friends. He did not say that opposition was an universal one, but there was unquestionably a wide and determined opposition to the general policy of the proposition of the Government, and not to the terms proposed. Now, he ventured to think that if their Lordships looked into the memorials referred to by the noble Duke they would detect in them that old opposition to the policy of the Government rather than dissatisfaction with the terms. In the first place it might have been supposed that if the position of the officers was so unbearable as had been represented, an exodus from the Army would have taken place; but nothing of the kind had occurred, though those gallant officers would have been entitled to the full value of their commissions had they at once taken advantage of the Act. The Estimate voted on this account last year amounted to £2,035,000, and the sum voted on the 31st March this year was £2,056,000. Again, beyond all question the memorials had been signed by a large number of officers who could not pretend that they themselves had suffered anything from the change. He would give their Lordships one or two instances. A colonel of the Household Brigade complained that he was deprived of the power of exchange; that he sustained injury in respect of chances of promotion, and that he suffered in consequence of the amalgamation of the English and Indian Armies. He had inquired into the case of the gallant officer and found that there being no corresponding rank to that held by him in any regiment except the regiments of Guards, he could not have exchanged. He had not suffered in respect

of promotion; and the amalgamation of the English and Indian Armies was in no way connected with the abolition of the Purchase system. There was no system of Purchase in the Indian regiments, although there were bonuses for which officers would be compensated, and on account of which they would certainly not be losers. Another officer in the Household Cavalry complained generally that he was aggrieved and prayed for an inquiry; but as a matter of fact, that gallant officer had obtained his colonelcy since the abolition of Purchase, and had thereby retained £3,250 which otherwise he would have had to expend in obtaining his promotion. The list of memorialists was closed by one or two sub-lieutenants, who, having joined the Army subsequently to the abolition of Purchase, had had nothing to pay, and must, he should think, have been under the impression that they were signing a vote of want of confidence in the Sandhurst system or a petition against the Civil Service Commissioners. Turning to the contentions contained in the memorials themselves, without going into much of detail in regard to the grievances complained of, he would mention a few in order to prove how groundless many of them were. In the first place, there were grievances to be attributed to alterations in the position and prospects of officers, which alterations were clearly foreseen and contemplated at the time when Purchase was abolished. Certain officers said they entered the Army while the Purchase system was in existence, and that they held the Government bound to continue that system until the end of their career. But the answer to this was that the Purchase system was abolished by Parliament in order to terminate such a right as this, and also the further right which was claimed to purchase higher steps because admission to the lower grade had been paid for by them. Another class of complaints was directed against alterations which had been made with a view to the efficiency of the Service, and with which no guarantee or understanding could possibly be held to interfere. That class of grievance was well described in the Report of a Royal Commission appointed to inquire into the position of the Indian Colonels, a Commission of which the noble and learned

Lord opposite was a member. In the Report occurred this passage,—

"The guarantee does not in our opinion secure the Indian officers from changes in the rules of the service which may be desirable to be made with a view to the improvement or exigencies of the service. These changes could, without any breach of faith, have been made by the East India Company, and can be now made by the Crown."

These words, read as bearing upon the case now before their Lordships, seemed to establish beyond dispute that no guarantee could secure an officer against changes which, upon their own merits and for the sake of the efficiency of the Service, the Crown might subsequently determine to make. Such changes had been made repeatedly by different Governments—for example in 1856, Lord Panmure decided that majorities and lieutenant colonelcies in the Guards should be for the future unsaleable; and by this arrangement several gallant officers lost the value of the higher commission which they might have sold. One of them was a Member of their Lordships' House, for Lord Abinger lost £3,500, and Colonel Stevenson £700 by this regulation; but he had not heard that any claim was made for compensation in consequence of their loss. Another category of grievances was that in which the position and prospects of officers were prejudiced as compared with those of their brother officers, in consequence of their ill-luck; such cases must always arise whenever large re-organizations were made; but these were losses not previously ascertainable, for which therefore it was impossible to provide compensation. There were some of the grievances mentioned by the noble Duke which he must admit seemed to involve hardship. One of these was that of the officer who had remained for a long time at the top of his rank waiting for an unbought vacancy which would give him a saleable commission which he could turn to account. A further instance was that of officers upon the reduced half-pay list, who might have been placed by the Commander-in-Chief on full pay in order to sell, but who were now, if brought back, unable to sell their commissions. There was a hardship there undoubtedly; but, as far as he could see, this was the misfortune of these officers rather than the fault of anybody else concerned, and any scheme of compensation for them

would have entirely given up the whole principle of the settlement of 1871. There was another small and unimportant class of grievances which might be described by the phrase "mares' nests." Certain cavalry officers for instance said that the terms of compensation to cavalry should be higher than in the case of any other branch of the Service, because the over-regulation in cavalry regiments was higher than in the other branches; but those who thus contended seemed to forget that the Army Purchase Commissioners in fixing the compensation took this fact into their consideration. The whole of the grievances were, in his opinion, reducible into narrow limits. There was an element of gain and an element of loss; and, on the whole, he thought the element of gain to the officers outweighed the element of loss. The pledges of the Government in regard to the matter were based upon a belief that this would be the case, and he believed that everyone of the pledges had been faithfully redeemed. Now, with respect to the remedy proposed by the noble Duke. The remedy proposed took the form of a Royal Commission; but upon what assumption could the demand for such a Commission proceed? It could only proceed upon the assumption that neither from Parliament nor from the Government was there to be expected any such redress as that for which, said the noble Duke, the situation of the officers called. He (the Marquess of Lansdowne), on the other hand, contended that the War Department had always been prepared to deal with cases which came within the equity, but not within the letter, of the Act of 1871, and that the House of Commons had on several occasions been asked to provide compensation for officers who by a strict interpretation of the Act of Parliament were not entitled to it. Their Lordships were aware that by the Army Regulation Act, a limitation was put on the number of officers who might be allowed to sell out in any one year. When that limitation was found to work to the prejudice of those officers, it was without difficulty withdrawn, a similarly liberal concession had been made to the staff officers of pensioners, and he could give their Lordships other instances of individual officers who had been similarly treated by the Government. It seemed to him that if a case of individual and

a Royal Commission, that an illegal system of Purchase was in existence, and that it was impossible to put an end to the over-regulation payments without putting an end to the regulation payments also. Purchase was accordingly put an end to by Royal Warrant, and a measure was submitted to Parliament providing the terms, on which officers should be compensated for any loss which they might sustain, and he thought it would not be denied that the scale of compensation agreed to by Parliament was not only liberal, but amply liberal. But during the discussions on the subject, a strong opposition to the abolition of Purchase had been offered by a large body of the officers and their friends. He did not say that opposition was an universal one, but there was unquestionably a wide and determined opposition to the general policy of the proposition of the Government, and not to the terms proposed. Now, he ventured to think that if their Lordships looked into the memorials referred to by the noble Duke they would detect in them that old opposition to the policy of the Government rather than dissatisfaction with the terms. In the first place it might have been supposed that if the position of the officers was so unbearable as had been represented, an exodus from the Army would have taken place; but nothing of the kind had occurred, though those gallant officers would have been entitled to the full value of their commissions had they at once taken advantage of the Act. The Estimate voted on this account last year amounted to £2,035,000, and the sum voted on the 31st March this year was £2,056,000. Again, beyond all question the memorials had been signed by a large number of officers who could not pretend that they themselves had suffered anything from the change. He would give their Lordships one or two instances. A colonel of the Household Brigade complained that he was deprived of the power of exchange; that he sustained injury in respect of chances of promotion, and that he suffered in consequence of the amalgamation of the English and Indian Armies. He had inquired into the case of the gallant officer and found that there being no corresponding rank to that held by him in any regiment except the regiments of Guards, he could not have exchanged. He had not suffered in respect

of promotion; and the amalgamation of the English and Indian Armies was in no way connected with the abolition of the Purchase system. There was no system of Purchase in the Indian regiments, although there were bonuses for which officers would be compensated, and on account of which they would certainly not be losers. Another officer in the Household Cavalry complained generally that he was aggrieved and prayed for an inquiry; but as a matter of fact, that gallant officer had obtained his colonelcy since the abolition of Purchase, and had thereby retained £3,250 which otherwise he would have had to expend in obtaining his promotion. The list of memorialists was closed by one or two sub-lieutenants, who, having joined the Army subsequently to the abolition of Purchase, had had nothing to pay, and must, he should think, have been under the impression that they were signing a vote of want of confidence in the Sandhurst system or a petition against the Civil Service Commissioners. Turning to the contentions contained in the memorials themselves, without going into much of detail in regard to the grievances complained of, he would mention a few in order to prove how groundless many of them were. In the first place, there were grievances to be attributed to alterations in the position and prospects of officers, which alterations were clearly foreseen and contemplated at the time when Purchase was abolished. Certain officers said they entered the Army while the Purchase system was in existence, and that they held the Government bound to continue that system until the end of their career. But the answer to this was that the Purchase system was abolished by Parliament in order to terminate such a right as this, and also the further right which was claimed to purchase higher steps because admission to the lower grade had been paid for by them. Another class of complaints was directed against alterations which had been made with a view to the efficiency of the Service, and with which no guarantee or understanding could possibly be held to interfere. That class of grievance was well described in the Report of a Royal Commission appointed to inquire into the position of the Indian Colonels, a Commission of which the noble and learned

Lord opposite was a member. In the Report occurred this passage,—

"The guarantee does not in our opinion secure the Indian officers from changes in the rules of the service which may be desirable to be made with a view to the improvement or exigencies of the service. These changes could, without any breach of faith, have been made by the East India Company, and can be now made by the Crown."

These words, read as bearing upon the case now before their Lordships, seemed to establish beyond dispute that no guarantee could secure an officer against changes which, upon their own merits and for the sake of the efficiency of the Service, the Crown might subsequently determine to make. Such changes had been made repeatedly by different Governments—for example in 1856, Lord Panmure decided that majorities and lieutenant colonelcies in the Guards should be for the future unsaleable; and by this arrangement several gallant officers lost the value of the higher commission which they might have sold. One of them was a Member of their Lordships' House, for Lord Abinger lost £3,500, and Colonel Stevenson £700 by this regulation; but he had not heard that any claim was made for compensation in consequence of their loss. Another category of grievances was that in which the position and prospects of officers were prejudiced as compared with those of their brother officers, in consequence of their ill-luck; such cases must always arise whenever large re-organizations were made; but these were losses not previously ascertainable, for which therefore it was impossible to provide compensation. There were some of the grievances mentioned by the noble Duke which he must admit seemed to involve hardship. One of these was that of the officer who had remained for a long time at the top of his rank waiting for an unbought vacancy which would give him a saleable commission which he could turn to account. A further instance was that of officers upon the reduced half-pay list, who might have been placed by the Commander-in-Chief on full pay in order to sell, but who were now, if brought back, unable to sell their commissions. There was a hardship there undoubtedly; but, as far as he could see, this was the misfortune of these officers rather than the fault of anybody else concerned, and any scheme of compensation for them

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particular hardship were submitted to the responsible Department of the Government a remedy would be afforded. But he wished to ask this question—would it be a right thing to set a Royal Commission in motion to revise a settlement effected by a statute passed so recently as 1871?—because it was a revision of that settlement which the noble Duke's Motion aimed at. It was perfectly conceivable that the noble Duke might have asked for an independent inquiry into the measures taken by the Government to carry out the Act; but he sought to set aside the principle itself of the settlement of 1871. The noble Duke would pardon him for saying that not one of the cases mentioned by him in which a Royal Commission had been issued had the slightest bearing on the subject of his Motion. The noble Duke had mentioned that Royal Commissions had been issued to inquire into the operation of the Contagious Diseases Act, into Capital Punishment, into the sale of Excisable Liquors, into the operation of the Marriage Laws. Did the noble Duke seriously mean to contend for a moment that the Royal Commission appointed to inquire into the Marriage Laws was any precedent for issuing a Royal Commission to re-open the great and important settlement made in 1871? Why, in no one of the cases instanced by the noble Duke had there been such a settlement as that which he now desired to disturb—a settlement between parties—between the officers of the Army on the one hand and the public on the other, as recipients and payers of the sums payable under the Act, for something like £2,000,000 had already been expended, or would shortly have been expended, subject to its provisions. Were all these awards to be re-opened and the whole of the financial arrangements consequent upon the abolition of Purchase to be re-cast without a sign of dissatisfaction on the part of the other House of Parliament which had made so liberal a provision in obedience to the Motion of the noble Duke and the request of the memorialists whose cause he supported? Then there was the precedent of Lord Cranworth's Commission. There was no resemblance whatever between that Commission and the Commission which might be appointed in compliance with the noble Duke's Motion. In the case of Lord Cran-

worth's Commission a statutory guarantee had been given to certain officers, and an inquiry was instituted in order to ascertain whether as was alleged, warrants subsequently issued by the Government were or were not consistent with that guarantee. In the present case it was not the subsequent action of Government which was questioned, the noble Duke himself did not dispute the fairness of the interpretation placed by the Government and by the Army Purchase Commissioners on the provisions of the Act. It was the first principles of the Act itself which the noble Duke attacked, and which the memorialists objected to. Lord Cranworth's Commission told directly against the noble Duke. If he wished for a Commission analogous to that of Lord Cranworth he would not be opposed by the Government. They had no desire for an inquiry which could lead to little good; but if their conduct in carrying out the Act, or that of the Army Purchase Commissioners, or that of the Secretary of State, was impugned, they were prepared to abide the results of an investigation. Therefore he would not object to a Motion limited to this object; but if the noble Duke persisted in his present Motion, involving as it did a re-investigation of the principles of the Army Regulation Act, then the Government would resist, and would resist to the utmost, a course fatal to the proper administration of the affairs of the Army and perilously subversive of the authority of Parliament.

THE DUKE OF CAMBRIDGE: My Lords, I am bound to say something on this settlement, and also to say that nothing would induce me to utter one word on this occasion if it were not that I feel called upon to point out in the strongest manner to every Member of this House that anything more detrimental to the interests of the Army, to the interests of the service, or to the interests of the country, than to have a discontented set of officers it is impossible to conceive. Therefore, I hope, whatever your Lordships may decide—it is not my province to interfere in any political question—your Lordships will decide with the object of putting an end to that discontent which I am grieved to say I believe does exist. I think it is very much to be deplored that anything should engender among

the officers of the Army a spirit of discontent which up to this moment, so far as I know, never has existed in the Army. So far as I am concerned, I should like to see an independent inquiry; but I must say that, in my opinion, an independent inquiry would at once put on one side the great bulk of the grievances of these officers. I think it would be deplorable if anything were now done to interfere with the Act. The Act was accepted by the country, and it must now be carried out in its integrity. Although I believe the bulk of these complaints would be eliminated by any tribunal which might undertake the task of inquiring into these grievances, there are minor points which, in my opinion, are entitled to an equitable consideration for the purpose of ascertaining whether they might not be brought within the intention with which the Act was passed;—for I do not suppose, nor can anybody suppose, that the Act was brought forward to do injustice to anyone. If injustice has been done in any individual case, I have no doubt a rectification would be most acceptable to the Government. Every endeavour has been made to meet the cases of those officers with regard to whom the Act has been found to work harshly. In one instance, where a clear case in equity had been made out in favour of a certain class of officers, the sum necessary to meet their case had been voted by the other House at the instance of Her Majesty's Government, and full justice had been done them. As I understand the noble Marquess (the Marquess of Lansdowne), Her Majesty's Government intend to deal with every case of acknowledged hardship on the same principle, it will become my duty to bring all such cases under their notice—and I can only express an anxious hope that in every instance justice will be done. Since the passing of the Act it has been my anxious endeavour to carry out the intention of the Act in a spirit of fairness, and as far as possible to avoid all friction in its working. All I can say is, that in any case which may come to my knowledge where an officer has equitable claims to consideration I shall not shrink from bringing it under the notice of Her Majesty's Government, or from expressing my opinion as to how it should be dealt with. I must conclude these few obser-

vations by expressing a hope that the discussion that has taken place in your Lordships' House to-night may tend in a large measure to allay the discontent among certain of the officers, the existence of which I most deeply deplore as being highly injurious to the public service, and which I trust all those who possess influence amongst the officers will do their best to check and alleviate. I trust also that the officers themselves will feel satisfied when they more completely understand that their claims will be dealt with not so much according to the strict letter of the Act as according to justice and equity.

Viscount HARDINGE said, that the noble Marquess (the Marquess of Lansdowne) had attempted to excuse the harshness of the Army Regulation Act, on the ground that its provisions had been agreed to by a considerable majority of the other House; but he appeared to forget that in passing the compensation clauses the Government majority had fallen from considerably over 100 to about 15 or 16. The noble Marquess had stated that the present discontent of the officers was merely a remnant of their old opposition to the abolition of the Purchase system; but whether that were the case or not, it was undoubted that the present discontent was *bond fide* and genuine. It was clear that the officers were not satisfied with the provisions of the Act. They felt that they had lost the interest of the money they had paid, as well as all prospect of the advancement and the other advantages they were certain to have obtained under the old system. As the illustrious Duke had remarked, those of the officers who were discontented with the working of the Act had a right to have their cases considered and their alleged grievances inquired into, and he trusted the Government would grant the inquiry. He had been greatly surprised at reading in the reports of what had occurred in the House of Commons the other night that Mr. Gladstone and Mr. Cardwell, in speaking on this subject, had said that if the officers were really aggrieved they had only to go to Victoria Street and get the money for their commissions. The fact that they did not do this was no proof whatever that they were not discontented with their position. A large number of officers, however discontented they might be, could not afford to sell

their commissions, because they were too old to enter into any other profession, and would have no means of earning their living if they quitted the Army. The discontent among the officers was widespread and deeply-rooted, and after the speech of the illustrious Duke to-night it was impossible that an inquiry into their case could be longer refused. The noble Marquess had said that it would not do to alter the compensation clauses of the Act now, because by doing so the Estimates would be disarranged; —but was justice to the officers to be based solely upon the financial arrangements of the War Office? To show the opinion of eminent authorities on the subject, he would read the following extracts from letters which had been written by officers of high rank:—

"The officers of the Army feel that they are deprived of what, by every code of honour is theirs. This may be right or may be wrong, but it is the unanimous feeling of the Army. The effect of this continued agitation on the discipline of the Army is, and will be most disastrous, and I sincerely trust this prayer for an impartial tribunal may be successful. Every barrack-room is ringing with this question. I saw with pleasure the abolition of Purchase, and have seen no reason to change my opinion had the substitution been carried out equitably."

"That the dissatisfaction is widespread and deep-tongued there cannot be the slightest doubt, and the state of affairs is most damaging to the *morale* of the Army."

What the officers complained of was, not the abolition of Purchase, but the terms which had been offered to them, which they regarded as not being equitable under the circumstances. When the Bill abolishing Purchase was before the House he stated that, in his opinion, the fairest mode of proceeding would be to pay the regulation money down and to give the over-regulation money on retirement. Another suggestion then made was that the interest of the purchase money should be paid and the money itself when an officer left the Army. Neither of those suggestions had, however, been adopted, and the officers were sufferers in that respect—as well as by the abolition of the system of exchanges, which they looked upon as a great boon. He begged leave to tell the noble Marquess that the officers of our Army did not conjure up imaginary grievances—that they were able, conscientious, and honest, and that they were men who would not put their hands to anything

which they did not thoroughly believe and understand. He wished merely to add the expression of his satisfaction that after the speech of the illustrious Duke on the cross-benches the House could have little doubt as to the vote which it would give on the present occasion. If we desired to have an efficient Army we must take care that it was a contented one.

VISCOMTE TEMPLETOWN said, he felt that he would be wanting in a sense of duty if he failed to bear testimony to the fact that in the district in which he commanded, great discontent prevailed among officers of all ranks. Strict measures were taken to prevent the soldier from making any representations with regard to an increase of pay; and when that was so Parliament ought surely not to refuse to take steps to protect that which was the property of the officer—the value of his commission. He hoped the House would not forget that it had it now in its power to do something which would greatly tend to promote satisfaction in the Army and to remove the existing discontent.

THE MARQUESS OF HERTFORD said, he could not but regret that the Government had not thought fit to assent to the proposal for the issue of a Commission. He would fully confirm the statement that great discontent prevailed among the officers, and expressed it to be his belief that the Government did not even yet really understand all that was involved in the abolition of Purchase. Considering that the noble Marquess (the Marquess of Lansdowne) had never been in the Army, he had spoken with great ability on the question; but it was evident that the Government was only now arriving at a due sense of the fact that the Army was a very complicated and delicate piece of machinery, which they had been pulling about for the amusement of the more Radical section of their supporters—extremely to the annoyance of the officers—and which they were beginning heartily to regret they had not let alone. He (the Marquess of Hertford) had always maintained that the abolition of Purchase affected the poor officer even more than the rich; and when the Bill was before the House he had produced the letters of 20 or 30 old officers who had been promoted from the ranks, almost everyone of whom was

*Viscount Hardinge*

opposed to the Government measure, and which letters he had forwarded to Lord Northbrook, but without result. Out of the 2,245 officers who complained that they had been aggrieved, he believed a great number would be found who had not paid a farthing for their commissions, but would never have allowed themselves to be promoted were it not for the prospective advantages which had been held out to them by the Warrant of 1866. He was, he might add, informed that there was at the present moment the greatest difficulty in getting adjutants from the ranks in cavalry regiments. One of the provisions of the Warrant of 1866 was that a captain retiring should receive £1,800, and, if he rose to be a major, and finally a lieutenant colonel, £4,500, and many a captain had allowed himself to be superseded by his juniors in the hope of obtaining promotion by death vacancy or augmentation, and of then selling what he had never bought. But by the new Act, under no circumstances, whether he went now, or 20 years hence, would an officer ever be allowed to receive more than the £1,800, instead of the £4,500, the value of his Commission being no longer cumulative. Further, the poor officer was prevented from exchanging either from full pay to half-pay, or from half-pay to full pay, or from one regiment to another. The sub-lieutenant of infantry who came from the ranks had not the prospective advantages he formerly enjoyed, while his pay was very inadequate—namely, £95 16s. 3d., his necessary expenses at the most moderate computation amounting to no less than £115 15s. 1d. He did not see how they could ever again get non-commissioned officers to accept promotion from the ranks under the present rate of pay, or how they could secure the services of the sons of poor clergymen and other professional men—the very classes they wished to obtain for the Army. Now, that the conditions under which poor men entered the service had been so much altered, he was convinced the Government would find that they must increase the pay of officers. The purchase sub-lieutenant who entered before that Act was passed had probably borrowed money to enter into the service, and also on going abroad with his regiment to insure his life. Such an officer, it was evident was even worse off than the poor

man who was shown to have only £95 a-year; although his expenses amounted to £115. The pay was positively not sufficient to defray their necessary regimental expenses, leaving out uniforms and family expenses. Was it singular, then, that there should be discontent in the Army? The purchase officers, more particularly from the majors downwards, complained that the Government were actually in possession of their money, which money was being kept to keep up a fictitious promotion. In five or six years' time, however, there would and must be a stagnation. Could their Lordships wonder, then, if the officers were without hope? Whether or not the Government, in consequence of their Lordships' vote that evening, granted a Royal Commission, he appealed to them to treat the Army with far more consideration and justice than they had hitherto done. By doing so they might, perhaps, lose the support of their extreme and advanced followers; but, on the other hand, they would earn the gratitude of the Army, and also, he believed, the approval of the country. There was the same chivalry and high sentiment in the Army as was displayed at Waterloo and at Inkerman; but men who entered the service liked to cherish the idea that if they imperilled life and limb, and underwent any hardship in the discharge of their duty, they did it not for the War Office, but for their Queen and country.

THE MARQUESS OF RIPON said, the Motion before the House was confined to the grievances of officers consequent on the abolition of Purchase; but the noble Marquess who had just sat down (the Marquess of Hertford) had referred to various matters of complaint which had little or nothing at all to do with that measure. The noble and gallant Lord who commanded the Southern district (Viscount Templetown) said that it was undoubtedly that great dissatisfaction existed among the officers of the Army, and that it was most desirable that that dissatisfaction should be put an end to; but his noble and gallant Friend neither stated from what that dissatisfaction arose, nor did he state to what extent he believed it to be well founded. With regard to the non-purchase officers of the Line, their case was met by the regulation of the Act of 1871 under which they were to receive £100 for

every year of foreign service, and £50 for every year of home service. The noble Duke who brought forward the present Motion said he would be content to rest his case on the fact that discontent existed in the Army. But what was the nature of the grievances of the officers? His noble Friend the (Marquess of Lansdowne) had been obliged to pick out of the memorials the grounds of complaint which he supposed, if the inquiry were granted, would be urged, but the Motion did not show what causes of complaint existed. As for the precedent relied on by the noble Duke, the Motion proposed by Colonel Lindsay in the House of Commons in 1863 distinctly stated the grounds for the discontent that then existed among certain officers; whereas the noble Duke might content himself with saying that discontent existed, but he did not attempt to say what cause there was for it. Nothing could be more unfortunate than widespread discontent among the officers; but as a matter of fact a great portion of the complaints were, as remarked by the illustrious Duke (the Duke of Cambridge), of a minor and comparatively unimportant character, and it had been shown that many of them did not spring from the abolition of Purchase. One complaint was that the post of commanding officer of a battalion had been made terminable; but such complaints were occasionally preferred before the abolition of Purchase, and indeed formed one of the strongest arguments against its continuance. Lord Dalhousie, whose absence he regretted, and who did not advocate the abolition of Purchase, always laid down that officers had no vested rights of that kind which they could urge against measures required for the improvement of the Service, and it would be dangerous now to admit claims which during the existence of Purchase were uniformly denied by the military authorities and the War Department. He knew too well the character of the officers to doubt that they felt they had distinct complaints; but they had not drawn a distinction between grievances attendant on the abolition of Purchase and those arising from alterations required in the interests of the Service, and from the changes going on everywhere in military systems. The noble Duke had also aduced an argument of another kind—

he stated that the discontent not only prevailed in the mess room, but had extended to the barrack room. That was a very grave statement; but he ventured to think that it was one in respect of which it would be very difficult to produce any evidence, nor if the Motion were adopted could any grievances but those of the officers be inquired into. His noble Friend (the Marquess of Lansdowne) had been represented as saying that the opening of this question would interfere with the financial arrangements of the War Office; but all that he had said was that if compensation were given it would be necessary to reopen the case of the officers, to whom something over £2,000,000 had been already paid. His noble Friend distinctly said that Mr. Cardwell had, in several instances gone beyond the law and entered into the equity of the case, and that in no instance had he experienced any difficulty in obtaining the sanction of the Treasury and of the House of Commons to the payment of an increased sum, and it had been distinctly stated by the illustrious Duke the Commander-in-Chief, and by the noble Marquess who spoke on behalf of the Secretary for War, that Mr. Cardwell would continue to give the most equitable consideration to any such cases which might be brought before him by the illustrious Duke. He had understood the illustrious Duke to express no opinion on the course he should adopt on this occasion, but to express a hope that their Lordships would take the course most calculated to allay any discontent which might exist among the officers, and he (the Marquess of Ripon) concurred most cordially in the expression of that desire. At the same time he asked their Lordships not to agree to this Motion, not only because the Government were quite willing to take every step in their power to allay any discontent arising from reasonable causes, but also because if their Lordships adopted this vague Motion, which did not define or confine the matters to be inquired into, they would give rise to large and unfounded expectations which it would be impossible to gratify, and thus, instead of allaying, they would only increase any discontent that might exist.

THE DUKE OF RICHMOND, in reply, said, he was fully justified in pressing

the Motion by the statement of the illustrious Duke, which nobody acquainted with the Army could dispute, that discontent existed. The person more eminently qualified than any other to describe the feeling of the Army had told their Lordships in unmistakeable terms that discontent existed among the officers. The noble Marquess (the Marquess of Lansdowne) had taken him to task for not having entered into the details of the grievances alleged by the officers. But he had a perfect answer to this. In the first place, he thought it extremely irregular and inconvenient for the noble Marquess who represented the War Department to have quoted from documents which were not before the House, and to which there was no possibility of his obtaining access. The complaints had been addressed to the illustrious Duke the Commander-in-Chief, and he should have thought it the height of impertinence to have knocked at the door of His Royal Highness and asked permission to inspect the documents in order to support the view which he was putting before their Lordships. To have done this would have been to put the Commander-in-Chief in a position in which he ought not to be put by any Member of their Lordships' House. It had been urged that it was out of order to ask for a Royal Commission to inquire into the operation of an Act of Parliament. But in answer to this he would call to their Lordships' recollection the fact that in 1870 a Royal Commission was appointed to inquire into the operation of the Contagious Diseases Act, which had been passed in the previous year. It was not with any view to obtain a decision in favour of the re-enactment of Purchase in the Army that he had brought this question forward—he should as soon think of obtaining a re-enactment of the Corn Laws by the issuing of a Royal Commission to inquire into the operation of the Act of Parliament which repealed them—he had brought the question forward because he believed that the officers had a substantial grievance to complain of, and on the grounds which he had stated he asked their Lordships to accede to the Motion for an Address.

LORD STRATHNAIRN supported the Motion. He believed that the officers of the Army had many and great grievances to complain of, arising out of the

abolition of Purchase—that they had made out a good case for inquiry, and that the facts and arguments in favour of the issue of a Royal Commission had not been answered.

On Question? Their Lordships divided:—Contents, 129; Not Contents, 46; Majority, 88.

*Resolved* in the *Affirmative*:—Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

#### CONTENTS.

Beaufort, D.	Waldegrave, E.
Buckingham and Chandos, D.	Westmoreland, E.
Leeds, D.	Wicklow, E.
Northumberland, D.	Clancarty, V. ( <i>E. Clancarty.</i> )
Richmond, D.	Falmouth, V.
Somerset, D.	Gordon, V. ( <i>E. Aberdeen.</i> )
Wellington, D.	Hardinge, V.
Bath, M.	Hawarden, V. [ <i>Toller.</i> ]
Bristol, M.	Hood, V.
Bute, M.	Sidmouth, V.
Hertford, M.	Strathallan, V.
Salisbury, M.	Templetown, V.
Winchester, M.	Arundell of Wardour, L.
Abergavenny, E.	Aveland, L.
Airkie, E.	Bagot, L.
Amherst, E.	Bateman, L.
Aylesford, E.	Branceth, L. ( <i>V. Boyne.</i> )
Bantry, E.	Brodrick, L. ( <i>V. Middleton.</i> )
Carnarvon, E.	Cairns, L.
Cawdor, E.	Calthorpe, L.
Dartmouth, E.	Carrington, L.
Denbigh, E.	Chelmsford, L.
Derby, E.	Charnbrassill, L. ( <i>E. Roden.</i> )
Devon, E.	Clement, L. ( <i>E. Leitrim.</i> )
Doneaster, E. ( <i>D. Buckingham and Queenberry.</i> )	Cloncurry, L.
Faversham, E.	Colchester, L.
Fortescue, E.	Colonsay, L.
Gainsborough, E.	Colville of Culross, L.
Harewood, E.	Crofton, L.
Harrington, E.	Delamere, L.
Howe, E.	De L'Isle and Dudley, L.
Ilchester, E.	De Saumarez, L.
Lanesborough, E.	Digby, L.
Leven and Melville, E.	Dormer, L.
Lichfield, E.	Dunmore, L. ( <i>E. Dunmore.</i> )
Lonsdale, E.	Dunsany, L.
Lucan, E.	Ellenborough, L.
Macclesfield, E.	Elphinstone, L.
Malmesbury, E.	Fisherwick, L. ( <i>M. Donegal.</i> )
Manfield, E.	Foxford, L. ( <i>E. Limerick.</i> )
Manvers, E.	Gifford, L.
Nelson, E.	Gormanston, L. ( <i>V. Gormanston.</i> )
Powis, E.	
Rosse, E.	
Roslyn, E.	
Selkirk, E.	
Strabroke, E.	
Strange, E. ( <i>D. Athol.</i> )	
Verulam, E.	

Hartismere, L. (*L. Henniker.*)  
 Heytesbury, L.  
 Howard de Walden, L.  
 Hylton, L.  
 Keane, L.  
 Kenlis, L. (*M. Headfort.*)  
 Ker, L. (*M. Lothian.*)  
 Kesteven, L.  
 Leconfield, L.  
 Lismore, L. (*V. Lismore.*)  
 Lovel and Holland, L. (*E. Egmont.*)  
 Lyttelton, L.  
 Manners, L.  
 Monson, L.  
 O'Neill, L.  
 Oranmore and Browne, L.  
 Penrhyn, L.  
 Raglan, L.  
 Ranfurly, L. (*E. Ranfurly.*)

Bededale, L.  
 Rivers, L.  
 Saltoun, L.  
 Sheffield, L. (*E. Shiffield.*)  
 Silchester, L. (*E. Longford.*)  
 Sinclair, L.  
 Skelmersdale, L. [*Teller.*]  
 Sondes, L.  
 Stewart of Garlies, L. (*E. Galloway.*)  
 Stratheden, L.  
 Strathairn, L.  
 Strathpey, L. (*E. Sleaford.*)  
 Templemore, L.  
 Tauris, L.  
 Vernon, L.  
 Vivian, L.  
 Walsingham, L.  
 Wigan, L. (*E. Crawford and Balcarres.*)  
 Wynford, L.

## NOT-CONTENTS.

Selborne, L. (*L. Chancellor.*)  
 Saint Albans, D.  
 Ailesbury, M.  
 Lansdowne, M.  
 Ripon, M.  
 Westminster, M.  
 Camperdown, E.  
 Chichester, E.  
 Cowper, E.  
 Essex, E.  
 Granville, E.  
 Kimberley, E.  
 Morley, E.  
 Canterbury, V.  
 Eversley, V.  
 Halifax, V.  
 Sydney, V.  
 Torrington, V.  
 Barrogill, L. (*E. Caithness.*)  
 Boyle, L. (*E. Cork and Orrery.*) [*Teller.*]  
 Camoys, L.  
 Carew, L.

De Mauley, L.  
 Eliot, L.  
 Foley, L.  
 Gwydir, L.  
 Hanmer, L.  
 Hare, L. (*E. Listowel.*)  
 Hatherley, L.  
 Hatherton, L.  
 Kenmare, L. (*E. Kenmare.*)  
 Kildare, L. (*M. Kildare.*)  
 Meredith, L. (*L. Athlumney.*)  
 Methuen, L.  
 Mostyn, L.  
 O'Hagan, L.  
 Poltimore, L. [*Teller.*]  
 Ponsonby, L. (*E. Bessborough.*)  
 Robartes, L.  
 Rosebery, L. (*E. Rosebery.*)  
 Seaton, L.  
 Stanley of Alderley, L.  
 Sundridge, L. (*D. Argyll.*)  
 Waveney, L.  
 Wenlock, L.  
 Wrottesley, L.

AGRICULTURAL CHILDREN BILL.  
(no. 220-221.)

## COMMONS AMENDMENT CONSIDERED.

Commons Amendment to Lords Amendments and Commons Reasons for disagreeing to one of the Amendments made by the Lords considered (according to Order).

Clause 8 (Power to suspend temporarily restrictive provisions of Act) omitted by the Lords; re-inserted by the Commons.

Lord HENNIKER proposed to agree to the re-instatement of the clause, but to disagree to the Commons Amendment to the new Clause B, inserted by their Lordships, with one exception—namely, to omit the words “hay-harvest” from the new clause.

The MARQUESS OF SALISBURY thought the power should comprehend the period of the hay as well as of the corn-harvest. He thought, however, it would be best to adhere to their Lordships’ original decisions and omit the clause altogether.

After a few words from The Earl of KINNAULY,

On Question, whether to insist? Resolved in the Negative.

The Amendment to which the Commons have disagreed not insisted on; The Commons Amendment to Lords Amendment disagreed to; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to the said Amendment; The Committee to meet To-morrow, at Five o’clock.

UNCONSTITUTIONAL LANGUAGE —  
NOTTINGHAM LIBERAL DINNER.  
QUESTION.

THE DUKE OF RICHMOND: I rise for the purpose of putting a Question to the noble Duke opposite, the Captain of the Yeomen of the Guard, relative to certain language which has been attributed to him, as having been used at a dinner over which he presided during the past week. I have carefully examined the different accounts of what took place on that occasion which appeared in various newspapers, and I scarcely think that the expressions attributed to the noble Duke in those accounts are incorrect. In anticipation that the noble Duke will not be able to contradict those accounts I will venture to protest in the strongest manner against the way in which he is stated to have introduced Her Majesty’s name in the course of his speech. I cannot conceive anything more irregular, more unconstitutional, or, happily, more uncommon than the language attributed to

him. Upon all festive occasions in this country it is the invariable custom for the loyalty of Englishmen to be displayed by drinking the health of Her Majesty the Queen, and that toast is on all occasions and in all societies received with the loyalty and acclamation which the character of Her Majesty demands that it should be received with. But on the occasion to which I refer, of a Liberal dinner held by a Liberal club—possibly in anticipation of a not far distant Dissolution of Parliament—the noble Duke (the Duke of St. Albans) presided over the banquet as President of the club. He was supported by a noble Earl, who spoke on the occasion, but to whose speech I shall not allude further than to remark that it partook too much of a personal character, and gave a detailed statement with regard to various Members of your Lordships' House in no very elegant language. But the noble Duke was also supported by a Cabinet Minister who appears to have gone down specially for the occasion; and it appears also that other Cabinet Ministers were expected, but that various duties detained them in town. The intention of one of these Cabinet Ministers to attend the dinner was defeated by his having to give evidence before a Committee of the other House of Parliament, which was appointed to inquire into the conduct of the Department over which he presides, in connection with the Zanzibar Mail contract. Under these circumstances, the Chancellor of the Exchequer was unable to visit the county which had the honour of giving him birth. The noble Duke, in proposing the health of Her Majesty, said—

"I may remind you that her earliest impressions on Government were guided by the great Liberal leader of the day—Lord Melbourne—and she is supposed never to have forgotten the principles and party of her teacher."

Although I do not want to make too much of this matter, I feel bound to say that statement is an insult to the Queen. If there is one point in Her Majesty's character which has been more often alluded to than another, and for which she is more remarkable than any other—and if there is one point in her character which has been referred to by Prime Minister after Prime Minister in both this and the other House of Parliament—it is this, that it does not sig-

nify what party is in power; whether Liberal or Conservative, the Ministry of the day have the undivided confidence of the Sovereign; and that nothing of any kind ever escapes from Her Majesty which would enable the party in power to know what her political opinions are. From the time she first ascended the Throne until the present moment Her Majesty has always acted in a constitutional manner, and therefore I must most earnestly protest against the assumption that by any act or deed on her part the political opinions of Her Majesty have become known. Under these circumstances, I feel bound to say that the statement of the noble Duke was an insult to the Queen, and that it is most irregular and unconstitutional to couple her name with that of any party, however respectable. I beg to ask the noble Duke the Question which stands in my name—namely, Whether the following is a correct report of expressions attributed to him in proposing the Queen's health at a dinner at Nottingham:—

"I may remind you, that her earliest impressions on Government, were guided by the great Liberal leader of the day, Lord Melbourne, and she is supposed never to have forgotten the principles and party of her teacher."

THE DUKE OF ST. ALBANS: The noble Duke deprecates Her Majesty's name being brought into political discussions, and to carry out his principle he has brought up in Parliament words spoken by me at a political dinner in a provincial town. Your Lordships can decide on the consistency of the course he has adopted. He has correctly stated my words in giving "The Queen!" on that occasion. They were unnecessary to secure the reception and acceptance of her health with every mark of loyalty and respect; but, as is the usual custom, I sought for appropriate remarks in proposing this toast. I therefore thought, and still think by the facts of the case, I was justified in my allusion to Lord Melbourne. It is a just cause of congratulation to the party to which I belong that an accident of time and circumstances should have given to one of our most eminent leaders the opportunity of being the first adviser of Her Majesty when, in her early youth, she began the long and successful reign which has been attended with so many blessings to this country, and which has marked her place in history as the most

constitutional Sovereign who has ruled in England. The manner in which Lord Melbourne performed the task, his devotion to her honour, and the care which he bestowed on her political education in constitutional doctrines are matters of history. They were acknowledged at the time by no one with more warmth and cordiality than by the late Duke of Wellington, who, in the course of the debate on the Address in answer to the Queen's Speech in 1841, said—

"I am willing to admit that the noble Viscount has rendered the greatest possible service to Her Majesty. I happen to know that it is Her Majesty's opinion that the noble Viscount has rendered Her Majesty the greatest possible service in making her acquainted with the mode and policy of the Government of this country, initiating her into the laws and spirit of the constitution, independently of the performance of his duty as the servant of Her Majesty's Crown—teaching her, in short, to preside over the destinies of this great country."

[*3 Hansard*, lxx. 77.]

I do not mean anything personal to the noble Duke in saying I thought it well to have this high authority before using these words—on the principle of the American carpenter who was called as a witness in a case of assault and battery. He was asked how far was the defendant off when he advanced to strike the blow—"4 ft. 11½ in., Sir." "Why, you seem to be very accurate. How is it possible you can be so exact?" "Why, Sir, in case some fool might ask me the question, I went and measured the distance."

THE DUKE OF RICHMOND: My Lords, the noble Duke says, in effect, that he has prepared this extract in case any fool should ask him a Question such as I have done. I do not suppose that the noble Duke in interposing this American anecdote intended to be personal—I am, of course, in the hands of your Lordships in such a matter as this—but I should wish to know whether that is a proper mode of replying to a Question put by a Member of your Lordships' House. In my remarks I carefully avoided everything calculated to give offence; but the noble Duke, by the terms in which he answers my Question, leads it to be believed that he has been asked the Question by a fool. I leave it to your Lordships to say whether I am one or not.

THE DUKE OF ST. ALBANS: My Lords, I did not intend that the anec-

dote I quoted should apply personally and in an offensive manner to the noble Duke. It appears to me a matter of praise that Her Majesty has "never forgotten" nor departed from the constitutional principles which it was Lord Melbourne's endeavour to instil into her youthful mind. I do not see that my words can be fairly taken to mean that Her Majesty is a partisan. It may have been an error on my part to have made use of the word "party". On referring to a very usual book of reference called *Maunder's Biographical Treasury*, under the head "Melbourne, Viscount," I find the following statement—

"In 1837 Lord Melbourne's Government, which had become gradually weakened by the attacks of a powerful majority in the Upper House and the hostility of a growing and powerful minority in the Lower, gained new strength from the accession of Queen Victoria, whose personal sympathies, it was alleged, were enlisted in favour of the party then in power."

I hope, however, your Lordships will consider it a venial fault to mention that, unlike some of her predecessors, Her Majesty has remembered and acted up to the popular views of her youth, while she has behaved with admirable impartiality and fairness to men of all parties in the State whose services Her Majesty has required. I have to thank the noble Duke for the opportunity he has afforded me of explaining any misconception my words may have conveyed, and for kindly attracting so public a notice to the late Liberal meeting in Nottingham, over which I had the honour to preside.

THE MARQUESS OF SALISBURY: The noble Duke (the Duke of St. Albans) instead of exculpating himself from the charge which was brought against him, appears to me to have repeated the offence by calling his adversary a fool. I do not know to what extent the Ministers of the Crown consider they are responsible for what their subordinates may say—but when I heard that quotation from *Maunder*—a very suggestive word—brought up by the noble Duke, I fully expected some Cabinet Minister would have risen in his place to call him to Order, and that we should not be blamed for objecting to language in which Her Majesty is described as a partisan. The rule, my Lords, which almost invariably prevents the use of such language, is one which is just not

only to Parliament but to the Queen, because she cannot answer these accusations. It may be true or false—we believe it to be thoroughly true—that the Queen has the most perfect appreciation in the performance of her duties of that which becomes her as a Constitutional Sovereign. But when one of those who hold a place in her Government accuses her of the contrary conduct, her mouth is closed and she cannot repudiate the charge. I feel the danger of a practice which if it extended to the higher ranks of the Government would assume a much more serious character than it does in the present instance. If this sort of thing is done in the case of one Sovereign it will be done in the case of another; and are we, I would ask, to take it as a rule for our future guidance that it will be fair at any future time to charge any future Sovereign with having adopted all the opinions of any statesman or party whom he might have honoured with his friendship or acquaintance in his youth? If any such course is pursued it may be a great libel on that Sovereign. I feel it, my Lords, very difficult to comment on this extraordinary dinner at which the noble Duke presided, because all the guests there appear to have dwelt in an enchanted land, and to have been entirely confused by something that I will not attempt to define. My noble Friend opposite, who represents the Board of Trade in this House (Earl Cowper)—than whom there could scarcely be a more calm and sagacious representative of the Government—felt himself tempted to indulge in some very remarkable phraseology with respect to Members of your Lordships' House, whether belonging to the Liberal or the Conservative party; but the word which he used was somewhat more elegant than that which has just now been applied by the noble Duke to my noble Friend behind me. But the noble Duke at this dinner made some other startling observations. He told the country that the House of Lords was divided into two classes—those who attended the debates and voted according to their convictions, and those who were brought down to the House from time to time and voted as they were told. I did not at first see who it was that used this language. I thought it must be the utterance of some unruly guest who was referring to the subordinate Members of the Govern-

ment in the House of Lords. I believe they are the only Members of the House whose convictions by some miraculous intervention invariably coincide with the decisions of others in which they have themselves no concern. I found, however, on looking more attentively at the Report, that the remarks of the noble Duke were intended to be applied principally to those who sit on the Conservative side of the House. It is a favourite topic with noble Lords opposite that the Conservative party have a large majority within these walls, and that the decisions of your Lordships are come to by a blind majority at the back of my noble Friend the leader of the Opposition. I would however, remind the House, in the case of a critical division, 10 years ago, on the subject of the Danish War, the Conservative majority turned out to be nine, and that since that time the present Prime Minister has added 28 Members to this House; so that if you deduct 28 from nine you have the Conservative majority. The truth, I suppose, is, after the exhibition of this evening, that the Conservative party generally do carry out those Constitutional principles which Lord Melbourne recommended to Her Majesty, while those who were brought up under him do not continue to support them. I wish also to call attention to another point in the speech of the noble Duke—but he so seldom indulges in this refined epigrammatical style of speaking that I fear he may not have followed the proceedings in this House with great attention. I am afraid that I may be looked upon as one of those who are brought down here to vote as they are told; because he complained to the Nottingham dinner party that the Conservative party had not resisted a Bill brought forward by noble Lords opposite on its second and third readings in this House. Now, the noble Duke could not have been acquainted with the facts, or he would not have made the assertion. It is perfectly true that we found it hopeless to resist the second reading of the Bill in question. But we fought hard against its provisions in Committee for a whole night, and the irresistible Conservative majority was beaten. Though, therefore, it is literally true that we did not resist the second or third reading, the noble Duke has, nevertheless, been guilty of a *suggestio falsi*, because we re-

sisted the Bill in Committee, not because it was hostile to the licensed victuallers, but because we objected to it on principle. I now hope that when any portion of the Body-Guard of the Government is in future retained to storm the provinces—and it is a remarkable fact that not a single independent Peer attended on the present occasion—they will abstain from representing the proceedings of this House and those who are opposed to them in politics in a way which will not bear criticism. Some of us may be fools and others may be bores; but that fact need not be openly proclaimed in every borough which Her Majesty's Government may desire to conciliate. Another observation which was made at the dinner was that the irresistible majority of which the noble Duke was speaking put forward inferior men in debate, and that the leaders did not take the trouble to explain their own policy. All this is really very hard on us who sit on this bench. My noble Friend near me is called a fool, and he is besides designated as an "inferior man," because he generally supports his own policy, and I, who in a humble way pursue the same system, must take my rank by his side in the list which has been assigned us. I am sure, however, there is no more mistaken charge which can be brought against my noble Friend and those who sit near him than that they shrink from supporting, on all possible occasions, the measures they approve. I sincerely hope that the next time the House of Lords is toasted there will be no Member of the Government present to respond for it, because otherwise I do not see how the character of this House is to be maintained.

EARL COWPER said, he had perhaps used an unfortunate expression on the occasion to which the noble Marquess referred, and he would not repeat it. He would remind the noble Marquess, however, that when the Petition signed by a certain number—450 he believed—of clergymen in favour of confession was under discussion a few days ago, he himself had spoken of the number of fools among the clergy as probably not being greater than were to be found in either House of Parliament.

THE MARQUESS OF SALISBURY explained that he had said that these were only  $2\frac{1}{2}$  per cent of the clergy, and that  $2\frac{1}{2}$  per cent of folly was not greater

than might be found in Parliament; but he had left it in doubt whether there was the greater amount of folly in that or in the other House of Parliament.

EARL COWPER said, he did not wish to retract what he had said, but wanted the House to know fairly what it was he had said. He stated that their Lordships' House might be viewed in two aspects—first, there were the ordinary nights when certain noble Lords who devoted themselves to politics came down to attend to the public business, and next there were the great occasions when noble Lords appeared whose faces were not so familiar and were not seen there at other times, but who then gave their votes, and it so happened that a large majority of them were Conservatives. That statement of his rested on evidence which was open to the whole world—the published records of their Lordships' Votes and Proceedings. If, therefore, it was erroneous, the whole country could judge of its error; but he believed that it was correct.

House adjourned at Nine o'clock, 'till to morrow, Eleven o'clock.

## H O U S E O F C O M M O N S ,

*Monday, 21st July, 1873.*

MINUTES.] — NEW WRIT ISSUED — For Stafford (Eastern Division), v. John Robinson McClean, esquire, deceased.

PUBLIC BILLS.—First Reading—Public Schools (Eton College Property)\* [251]; Gas and Water Works Facilities Act (1870) Amendment\* [252].

Second Reading—Crown Private Estates [223]; Endowed Schools Act (1869) Amendment [207].

Second Reading—Committee—Report—Merchant Shipping Acts Amendment [162-253]. Committee—Report—Ecclesiastical Commissioners\* [234]; Extradition Act (1870) Amendment\* [220]. Considered as amended—Supreme Court of Judicature [237].

Third Reading—Rating (Liability and Value) [260]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* [229], and passed.

Withdrawn—Land Settlement\* [80]; Union of Benefices (re-comm.)\* [92]; Registration of Births and Deaths\* [180]; Municipal Officers Superannuation\* [6].

**ARMY—THE GENERAL COMMANDING IN IRELAND.—QUESTION.**

MR. ANDERSON asked the Secretary of State for War, If it be not the fact that the Commander-in-Chief of the Forces in Ireland has been absent from duty about fifteen months out of the last thirty; and, if not, how many; whether, during all that absence, he was allowed to draw command allowance and table allowance while the duties and expenses for which these allowances are made devolved on others; and, whether, since this question was first asked, the accounts containing these allowances have been examined over the above period in order to ascertain the facts; and whether they have been found in order?

MR. CARDWELL, in reply, said, the General Commanding in Ireland had been absent from Ireland the time mentioned. His absence was occasioned partly by professional duty in England, partly by attendance in Parliament, and partly by sick leave. His pay and allowances had been drawn by him. The Accountant General had, however, raised objections to certain portions of them, extending over the years 1871-2 and 1872-3, and these objections were the subject of a Correspondence not yet concluded.

MR. ANDERSON: I shall move for the production of the Correspondence when completed.

**LIFE ASSURANCE COMPANIES' ACT, 1870  
—LIFE ASSURANCE OFFICES RETURNS.—QUESTION.**

SIR. FREDERICK W. HEYGATE asked the President of the Board of Trade, Whether his attention has been directed to the imperfect nature of the Returns made by Life Assurance Offices under the provisions of the Act of 1870, particularly in regard to the Fifth Schedule of the Act; and, whether it is not possible to enforce a more strict compliance with the Act?

MR. CHICHESTER FORTESCUE: Sir, I should demur to the phrase that the Returns made under the Act are imperfect. From the Returns made, it is possible, without difficulty, for any person conversant with the principles of life assurance to form a sound judgment as to the conditions of the offices. It is hopeless by any compilation of figures to do more than this, or to enable per-

sons unacquainted with the science of accounts and life assurance to form such a judgment. It is very possible that the form of Return might be improved in some respects; but I believe the present forms were settled after having been discussed by the Institute of Actuaries, the highest authority in such matters in the kingdom. As to enforcing a more strict compliance with the Act, that is again begging the question. The Companies are only required by the Act to make Returns in forms prescribed, and the Board of Trade has used to the utmost such powers as it has, of enforcing a strict compliance with the forms prescribed, and has endeavoured by every means in its power to secure uniformity. I am aware that the Schedules would, in some respects, admit of improvement, especially the fifth Schedule, in respect to the valuation of the "Office premium" and the net premiums—the present form not suiting the case of every Company. But, on the whole, the Act has worked well, although it may be expedient hereafter to see whether it cannot be improved. We have, as yet, only had the experience of two years' Returns.

**THE MAURITIUS—ECCLESIASTICAL ESTABLISHMENTS.  
QUESTIONS.**

MAJOR ARBUTHNOT asked the Under Secretary of State for the Colonies, Whether any reply has been sent to the Despatch of the Acting Governor of Mauritius, (dated 2nd May 1872), submitting Petitions to Her Majesty from the representatives of the Anglican Church and the Roman Catholic Bishop against the Ecclesiastical scheme proposed by the Secretary of State for the Colonies; and, if not, whether the Secretary of State proposes to assent to the suggestions embodied in those Petitions; or, if no decision has yet been arrived at by him, he will direct that no changes in the Ecclesiastical arrangements of the Colony shall be pressed until the subject shall have been discussed in Parliament?

MR. KNATCHBULL-HUGESSEN: Sir, having considered the Memorials upon the subject received from the colony, Her Majesty's Government have determined not to proceed further with the measures they had proposed with a

view to remove the inequalities between the different religious communions. It is right I should add, that we cannot consent that the total amount of money voted for ecclesiastical purposes in the colony should be increased. I wish also to take this opportunity of correcting an error into which I inadvertently fell in speaking upon a kindred subject on Tuesday last. I stated that in St. Lucia, with some 30,000 Roman Catholics and 2,000 Protestants of all denominations, the endowments of the former were £900, and the Church of England £800. I had mistaken the purport of a despatch that £400 was received by two Anglican clergymen. It is not £400 each, but the total endowment is £400; so that the inequality is less than I imagined, though still great.

MAJOR ARBUTHNOT inquired whether matters had remained in *status quo*?

MR. KNATCHBULL-HUGESSEN said, no further steps had been taken.

#### UNION OF BENEFICES BILL. BILL WITHDRAWN.

MR. CANDLISH asked the right honourable the Member for Cambridge University, If he intends to proceed further with the Union of Benefices Bill this Session?

MR. SPENCER WALPOLE, in reply, said, that it was not his intention to proceed further with this Bill during this Session, but that he should re-introduce it next year. He would take that opportunity of moving that the Order for the Adjourned Debate upon going into Committee on the Bill should be discharged.

*Motion agreed to.*

*Order discharged; Bill withdrawn.*

#### METROPOLIS—SMALL-POX HOSPITAL AT HATCHAM.—QUESTION.

MR. WATNEY asked the President of the Local Government Board, Whether he is aware that ten acres of land adjoining the New Cross Road, Hatcham, has been bought by the Metropolitan Asylums Board for the purpose of erecting temporary hospitals in the event of small-pox or any epidemic fever again occurring in the Metropolis; and, whether he will take any steps to prevent a hospital of this description being placed in the midst of such a densely populated neighbourhood?

*Mr. Knatchbull-Hugessen*

MR. STANFIELD, in reply, said, about nine acres of land adjoining the New Cross Road, Hatcham, had been purchased by the Metropolitan Asylums Board for the purpose of erecting, in case it should be needed, a temporary small-pox hospital. The site was conveniently contiguous to the population who were likely to require such a hospital, and at the same time it was sufficiently isolated to prevent the spread of contagion. According to the information he had received, the site was admirably adapted for the purpose for which it had been acquired, and it had been favourably reported on by the Inspector of the Local Government Board.

#### PUBLIC WORKS LOANS—ENGLAND AND IRELAND.—QUESTIONS.

MR. DELAHUNTY asked Mr. Chancellor of the Exchequer, Whether, under legislative enactments, the Public Works Loan Commissioners, with the sanction of Her Majesty's Treasury, are enabled to grant loans bearing interest at 3*1/2* per cent. per annum to local authorities in England to obtain water supplies for their respective districts; whether the Board of Public Works in Ireland, with the sanction of the Treasury, are enabled to grant similar loans at 4 per cent. per annum to local authorities in Ireland for like purposes; and, whether the Treasury has not this year fixed 5 per cent. as the rate to be charged on a loan recommended by the Irish Board to be made to the Municipal Corporation of Waterford for their water supply; and, if so, whether he will state the reasons or motives for charging loans for sanitary purposes in Ireland with a rate of interest nearly fifty per cent. in excess of similar loans in England?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have to answer the first three Questions put by the hon. Gentleman in the affirmative. As to the fourth Question, I may state that we have not the power by law of charging for waterworks in Ireland the same rate of interest as is now allowed in England—namely, 3*1/2* per cent. The general rule in such cases is to charge 5 per cent., with a rather long period for the repayment of the principal; but it is in the power of the Treasury to charge 4 per cent., with a shorter period for repayment. After taking the best advice, we thought this was not a case in which we

ought to deviate from the ordinary rule that has hitherto been adopted in regard to the matter.

MR. DELAHUNTY said, he wished to be informed whether the time for repayment was not 50 years in England, whereas in Ireland it was only 22 years?

THE CHANCELLOR OF THE EXCHEQUER said, he really did not know.

MR. DELAHUNTY said, that in consequence of the answer of the right hon. Gentleman, he should on an early day ask whether the Treasury were justified in charging 5 per cent for loans in Ireland, when they were allowed to lend money on loan at 4 per cent in England?

#### IRELAND—ROYAL IRISH CONSTABULARY.—QUESTION.

MR. KAVANAGH asked the Chief Secretary for Ireland, Whether, having provided by the Supplementary Estimates for an increase of pay to the Men of the Royal Irish Constabulary, Her Majesty's Government were prepared to take any steps towards adopting the Recommendations of the Commissioners in favour of the Commissioned Officers of that force?

THE MARQUESS OF HARTINGTON, in reply, said, he did not quite understand the hon. Gentleman's Question. In the first place, the Report of the Commissioners had not yet been laid upon the Table, and, consequently, the hon. Gentleman could not be aware what the recommendations of the Commissioners were. The Report would probably be laid on the Table that day, and he trusted the hon. Gentleman would then perceive that the regulations respecting the commissioned officers had been entirely carried out.

#### ARMY—THE ROYAL ENGINEERS.

##### QUESTION.

COLONEL LEARMONT asked the Secretary of State for War, When the two additional battalions of the Royal Engineers alluded to in Clause 85, Army Circular 1st July 1873, will be formed, and when the Officers will be gazetted?

MR. CARDWELL: Sir, the formation of the battalions has been proceeding gradually, as the additional officers have been obtained from Woolwich. Eighty officers have already been added

to the corps; the captains were gazetted last year, and the majors are now about to be gazetted. The higher ranks will be gazetted, as soon as the 16 officers still wanting to complete the number are supplied.

#### THE BOARD OF TRADE—REGISTER OF SHIPPING OFFICE—THIRD CLASS CLERKS.—QUESTION.

LORD GEORGE HAMILTON asked the President of the Board of Trade, Whether a certain number of Temporary Clerks were promoted in 1872, after passing examinations before the Civil Service Commissioners, to the Establishment as Third Class Clerks in the General Register and Record Office of Shipping and Seamen; whether the annual leave, to which the Third Class Established Clerks were entitled according to the printed regulations of the Board of Trade of 1866, was thirty-six days; whether, on the 30th May 1873, the following Order was issued:

"The question of annual holidays will be reconsidered by the Board of Trade; pending the Lord's decision no more than four weeks (twenty-four days) will be allowed, Third Class Clerks who were appointed to the Establishment subsequent to August last;"

and, whether, on the 16th June 1873, an Order was issued signed by the President of the Board of Trade, fixing the annual leave of these Clerks at twenty-four days; and, if so, whether he adheres to the statement that the annual leave of a certain number of established Clerks has not been diminished?

MR. CHICHESTER FORTESCUE, in reply, said, that with regard to the portion of the noble Lord's Question respecting the Order of the 30th May, that it was correct, and that such an Order had been issued. No temporary clerks had been "promoted" in the ordinary sense of that word in the year 1872, and there had been no curtailment in anybody's leave of absence. Thirty-six days of leave were allowed to the old third-class establishment clerks; but the three gentlemen who had been fortunate enough to interest the noble Lord in their cause reached the position of third-class clerks on the establishment under very peculiar circumstances. They were temporary clerks, or writers, in connection with the Office of the Board of Trade and the dependent department of the General Register and Record

Office of Shipping and Seamen. They then had a week less of leave of absence than they now enjoyed, and they had no claim whatever either to an increase of leave or to be on the establishment; but when the new system under the Order in Council was introduced which limited the non-established officers to the lower class of writers and copyists, and which interfered unfavourably with the prospects of many of the non-established gentlemen who had been employed before, these temporary clerks were placed on the establishment as an act of grace, with the permission of the Chancellor of the Exchequer.

#### PARLIAMENT—PUBLIC BUSINESS.

##### QUESTIONS.

In reply to Mr. BOURKE,

MR. HOLT said, that having regard to the recent discussion on the Bill introduced by the hon. Member for North Warwickshire (Mr. Newdegate), he did not intend to proceed with his Motion on Friday next, for the appointment of a Committee to inquire into the state of the law respecting Conventual and Monastic Institutions or Societies in Great Britain.

MR. ASHLETON CROSS said, he understood it would not be in his power to bring forward as an independent Motion the Motion of which he had given Notice, respecting the Reports of the Select Committee of Public Accounts as to the conduct of the Post Office. He, therefore, wished to know whether the right hon. Gentleman at the head of the Government would put down Supply for an earlier day than Monday, or else allow the Standing Order to be dispensed with, so that the subject might be discussed?

MR. R. N. FOWLER said, he wished to know whether the Real Estate (Intestacy) Bill, which was set down for the morning sitting to-morrow, was intended by the Government to be discussed?

MR. GLADSTONE said, it was his intention to give his hon. Friend the Member for East Surrey (Mr. Locke King) a day for his Bill; but not without considering the prior claims of Government business. He hoped, on Thursday, to make arrangements for that purpose. It would not be in the power of the Government to give a day to the

hon. Member (Mr. Asheton Cross) for his Motion on Telegraph Accounts before Monday. It would be necessary for the House to give its undivided attention and to use considerable exertion during this week in order to pass many important Bills through the remaining stages. The evidence taken before the Committee of Public Accounts was only printed that day, and it had not yet been read by the Government. There would, however, be no difficulty in finding an opportunity for the Motion of the hon. Member. He was afraid it could not be done on going into Committee of Supply; but it would be necessary to bring in a Bill for a further allocation of money for the purpose of supplying the deficiency in the Telegraph Capital Accounts, and therefore the hon. Member would have a better opportunity to bring forward his Motion than if it were brought on on a Supply night.

In reply to Mr. WHEELHOUSE,

MR. GLYN stated that it was not the intention of the Government to proceed with the Registration of Births and Deaths Bill that Session.

In reply to Questions from MR. DIXON and MR. DILLWIN,

MR. W. E. FORSTER said, he proposed to take the Elementary Education Act (1870) Amendment Bill to-morrow at 2 o'clock. He should also proceed with the Endowed Schools Commission Bill to-morrow, if he could not make progress with it that evening.

MR. GLADSTONE said, that since he had given Notice of a Motion respecting Government Orders of the Day having preference during the remaining Tuesdays of the Session, he had received from his hon. Friend the Member for Brighton (Mr. Fawcett) a protest against that Motion. It was his (Mr. Gladstone's) duty to inform him that, as far as the Government were concerned, they could under no circumstances assent to his proposal, which stood for Tuesday evening, to refer to a Royal Commission the question of electoral power. That was a matter entirely for the House to decide. He, therefore, thought it would be for the convenience of the House that Tuesday evenings for the remainder of the Session should be devoted to Government Business. He should, therefore, conclude by moving the Resolution of which he had given Notice.

Motion made, and Question proposed, "That To-morrow, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motion, Government Orders of the Day having the priority."—(Mr. Gladstone.)

MR. DISRAELI said, he was sure that the House would be glad to assist the Government at that period of the Session, and to facilitate in every way the progress of Public Business; but, in granting that addition to the considerable concessions already made, the House had a right to expect that the confidence placed in the Government should be used with discretion and in a satisfactory manner. On Friday night, when it was generally expected that the Government influence would be exercised to prevent it, the House was unfortunately counted out; at a period of the Session, too, when time was precious. Next he must say that the remarks made by the right hon. Gentleman on the course of Public Business were not altogether satisfactory. He understood that the next morning sitting was to be appropriated to a private Member. [Mr. GLADSTONE: No.] Then it was for another morning sitting; but however that might be, he did not understand that it was absolutely appropriated to the Real Estate (Intestacy) Bill, although it was put down on the Paper for that day; and it might appear on the Paper for a subsequent day. He wished to call the attention of the House to the fact that the Bill of the hon. Gentleman the Member for East Surrey (Mr. Locke King), which was favoured by the Government, was of a very speculative and controversial character, which under any circumstances could not be brought to a conclusion that year, and it appeared to him, therefore, that it was not expedient that the time of the House should be occupied in discussing it, and especially that the time of private Members, given up to the Government, should be applied to the purpose. It did seem very hard upon those hon. Gentlemen, who by the Motion would forfeit any chance of bringing on their Resolutions, that the first use the Government should make of their privilege should be to secure a favour for a private Member which was quite unnecessary. Then there was another question, and one of

a most eminently practical character, in which the whole House took an interest—namely, that with reference to those strange proceedings that had taken place with respect to the telegraphs. He thought some arrangement should be made to facilitate and advance the discussion of that important subject, which had been brought forward by the hon. Member for South-west Lancashire. The right hon. Gentleman had said that a Bill on the subject would probably be introduced, and that the hon. Member might then raise the discussion on his Resolution, which appeared to be very moderately expressed, in the form of an Amendment. But the Bill to be brought in by Her Majesty's Government was a Bill which he (Mr. Disraeli), so far as he knew, should deem it his duty to support, and the hon. Member for South-west Lancashire also; and it would be unprecedented to ask his hon. Friend to put himself in a hostile position towards a Bill which he believed to be advantageous to the public interest, in order that he might ask the opinion of the House on another subject. In agreeing to the Motion of the Prime Minister, therefore, he thought there should be an understanding that the privilege thus cheerfully accorded should be used for no other purpose than the advancement of Public Business.

MR. GLADSTONE said, that there never was any intention on the part of the Government to apply any of the time that had been asked from the House for the purpose of giving a preference to his hon. Friend the Member for East Surrey over his hon. Friend the Member for Brighton. The Order of the Day for the Second Reading of his hon. Friend's Bill, no doubt, stood for to-morrow, but it was never promised that it should come on. His hon. Friend had, perhaps, some reason to complain, and the Government, he was afraid, had drawn largely upon his patience, seeing that his hon. Friend's Bill had been on the Order Book during the entire Session. Still, he quite acceded to what the right hon. Gentleman had said as to the duty of the Government to apply the additional time for which they now asked to those subjects which were recognized by the House generally as most important with reference to the close of the Session. He would give the hon. Member for South-

west Lancashire (Mr. Cross) an assurance that, come what might, he should have an opportunity of bringing forward his Motion independently of Supply. But he would not stop there. As he had stated, the evidence given before the Committee of Public Accounts had only been published that morning, and the hon. Gentleman would no doubt think it proper that it should have some days to circulate before it was brought on; but if he could find an occasion for bringing on his Resolution as an independent Motion, the Government would have every reason to forward his views. He did not think that the Government could give him an opportunity this week, unless the progress of legislative business should be very rapid; but the Government would give him every assistance in bringing on his Motion.

MR. T. HUGHES said, he had a Motion down on the Paper for to-morrow night, and as it in some degree involved the question of Privilege, he should like, before withdrawing it, to put a question to the Government with regard to it. About that time last year the Postmaster General, in reply to a Question, expressed himself favourable to his (Mr. Hughes's) proposal to give facilities to small investors for obtaining Government securities through the machinery of the Post Office. He, therefore, introduced a Bill to that effect in the present Session. When he came to place that Bill on the Paper for a Second Reading, he was informed that it was necessary first to obtain the consent of the Treasury. For that consent he applied to the Chancellor of the Exchequer. For some time, he received no answer, and ultimately the right hon. Gentleman refused him the consent he required. It so happened, too, that the copy of the Bill which he forwarded to the right hon. Gentleman was the only one he had, and when he came to inquire for it he found that it had been lost by the Treasury. What he desired to learn was, whether the Treasury possessed this power of prohibiting the Second Reading of a Bill proposed in the ordinary way. If such a power existed, he could not help feeling that it was a great infringement of the rights of private Members.

MR. BOUVERIE, referring to the count-out on Friday evening last, complained of the unsatisfactory working of

the present arrangement, and said it was calculated to have a damaging effect on the character of the House. Hon. Members after the morning sitting were exhausted, and did not get down to the House in time for the evening meeting; the result being that there was constantly a count-out, and much business of importance was neglected. He would suggest that as a remedy for that state of things, the present plan should be reversed, and the Tuesday and Friday mornings be given to private Members, the evenings being appropriated to Government Business. In that case, the Government would be sure to take care to keep a House.

LORD JOHN MANNERS reminded the House that he at the commencement of the Session made a similar suggestion, without receiving any support. If he could anticipate any encouragement for it, he would with pleasure renew it at the commencement of next Session.

MR. ANDERSON, as one of the victims of last Friday's count, had not noticed the presence of either of the two last right hon. Gentlemen on that occasion. He felt bound to testify to the fact that, while there were only three hon. Members on the Opposition side of the House, the Treasury bench was unusually full.

MR. J. LOWTHER hoped the Government would allow all the Motions of private Members now on the Paper to be disposed of, before the Government took all the time of the House. He also trusted that under no arrangement would undue preference be given to one Member over another.

THE CHANCELLOR OF THE EXCHEQUER said, that he would reply to the Question of the hon. Member for Frobis (Mr. T. Hughes) to-morrow.

MR. CAVENDISH BENTINCK said, he had, in common with other hon. Members, protested against the Two o'clock sittings when introduced by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) as tending to the utter destruction of the rights of private Members. Under the arrangement that was made it was not merely a matter of courtesy for the Government to keep a House, but it was their duty—a duty, moreover, which could be performed by no one else. The fact, however, was, that the sittings were so late that hon. Members could not come down

again after adjourning at 3 o'clock. He hoped that before long Parliament would abrogate the Standing Order, and restore the constitutional right of redressing grievances before voting Supplies.

MR. R. N. FOWLER thought the Government ought to fix a day for the India Budget, before they gave one for the Bill of the hon. Member for East Surrey.

Question put, and agreed to.

SUPREME COURT OF JUDICATURE:

BILL—[Lord]—

(Mr. Attorney General.)

[BILL 237.] CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration." — (Mr. Attorney General.)

MR. GREGORY moved, that the Bill be re-committed with reference to Clause 14, which related to the salaries of the future Judges. In his opinion, the arrangements which had been agreed to, were exceedingly objectionable in many respects. As the clause stood certain of the Judges of the Divisional Courts would be in receipt of higher salaries than those of the Judges whose duty it would be to revise their decisions on appeal. For instance, while Judges of Appeal would be receiving £5,000 per annum, the President of one Division would have £8,000, of two £7,000, and of the other £6,000 a-year. The natural consequence would be that these offices would be more sought after by men of distinction at the bar, and their decisions would be subject to the revision of men of inferior standing who had accepted the lower salary. It must be remembered also that this might be done by a decision of three Judges of the Court of Appeal with reference to the judgments of a President and two Judges of the Court below.

Amendment proposed, to leave out the words "now taken into Consideration," in order to add the words "re-committed in respect of Clause 14 (Salaries of future Judges)," — (Mr. Gregory,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHARLEY asked what would be done with the Queen's Counsel of the County Palatine after the passing of the Bill; and, what the Government proposed to do with the present Chamber clerks of the Judges?

The ATTORNEY GENERAL said, that he had put an Amendment on the Paper to meet the case of the Queen's Counsel of the County Palatine. With reference to the Chamber clerks of the Judges, that question had already been fully discussed, and he would not enter into it again. He must also decline, with all respect, to the hon. Member for East Sussex (Mr. Gregory), to renew again the discussion on the subject of the Judges' salaries.

Question put, and agreed to.

Main Question put, and agreed to.

Bill considered.

Clause 22 (Transfer of pending business)

The ATTORNEY GENERAL moved in page 10, line 32, at end, to add the following words:—

"In all cases of appeals from any Ecclesiastical Court, where her Majesty shall be advised that the judgment of the Court below ought to be reversed or varied, and that any sentence of suspension or deprivation ought to be passed on any clerk, it shall be lawful for her Majesty to remit the cause to the Court to pass such sentence, and such Court shall pronounce such sentence accordingly."

The object of the Amendment was to continue the existing practice, by which the formal passing of the sentence was remitted to the inferior Court.

SIR GEORGE GREY did not understand the object of the Amendment, and thought it could only be agreed to on the understanding that it would confer no new power on the Ecclesiastical Courts, but would continue to them the duty—acting ministerially—of communicating the sentence to the party to be affected by it. He thought, however, that they should have some further explanation with regard to its effect, and the necessity for introducing it. If its object was to give to the Ecclesiastical Courts the power of pronouncing sentence without that control or check to which they were now subject from the superior civil Courts, it would be a dangerous innovation. If, on the other hand, the function of the Court below was to be purely ministerial, and they had merely, as at present, formally to pronounce the sentence of the Judicial

Committee of the Privy Council, then he did not see the object of introducing it. He thought it would be much better to leave to the Superior Court the duty of pronouncing and enforcing obedience to its own sentences. With regard to the general question of the transference of ecclesiastical cases from the Judicial Committee of the Privy Council to the new Court effected by the Amendment of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), his strong conviction was that the subject had not been treated by the House or by the Government in the manner in which it ought to have been treated. When the Bill was brought in, it was distinctly stated by Her Majesty's Government, that the question involved many delicate and important considerations, that it ought, if dealt with at all, to be made the subject of a separate measure, and that it was not desirable to include it in a Bill for the reform of the civil judicature of the country. Well, 17 days ago, when the Amendment of the right hon. Gentleman opposite was agreed to, there was not the slightest intimation given by Her Majesty's Government that they had in any way modified that opinion. The Amendment was made in the most precipitate manner, and practically without any Notice. There was technically a Notice put on the Paper for the omission of certain words between brackets, but the Notice did not itself clearly indicate what the effect would be. Independently of that, the Notice was given only on the night immediately preceding the Two o'clock sitting, at which the Amendment was moved. He believed there were very few hon. Members of the House who knew that the Motion would be made, and still fewer who thought it would be accepted by Her Majesty's Government. He came himself down to the House without the slightest idea that such an Amendment would be moved. It might be said—"You ought to have looked at the Notice Paper, and seen what Amendments were to be proposed." But the fact was, it was very difficult to read through the multitudinous Amendments on such a Bill. He was, therefore, greatly surprised when his right hon. Friend at the head of the Government, without having given any intimation that the Government had changed their mind on the

subject, and without any communication with the heads of the Church, accepted the Amendment. He was not going to deny that the change might be a right one; but it was a change which required the most careful and deliberate consideration, whereas it had received no consideration whatever, and had been adopted in a very hasty and precipitate manner. He must say that the wisdom, the learning, and the strict impartiality which characterized the decisions of the Privy Council in ecclesiastical cases had conferred great benefit on the Church, and he was not himself prepared to take away its jurisdiction, without being fully satisfied as to the Court to be substituted for it. He agreed with what had been said by Her Majesty's Government, that that was a question which demanded and ought to receive separate consideration. [Mr. GLADSTONE: By whom?] By the Lord Chancellor in the other House. If, in the case of decisions by the Privy Council, there were to be found persons in the Church who were slow to accept them, he should be very much surprised if those persons would receive with deference and willing obedience the decisions of this new Court of Appeal. If that transfer of jurisdiction was made, they would apparently have a stronger reason for refusing obedience; because it would be said that the judgments which would be come to would be the judgments of laymen only. He would not ask the House now to reverse the decision at which it had arrived; but he hoped the matter would receive in "another place" more deliberate care and attention than it had received in that House.

MR. GATHORNE HARDY said, no doubt the Notice he had given was a very short Notice; but it was given under peculiar circumstances. His right hon. Friend the Member for Morpeth (Sir George Grey) had referred to what had been said "elsewhere;" but he was not quite accurate in saying that the Government had made so broad a statement as that they would not deal with the ecclesiastical appeals in that Bill. As far as he (Mr. G. Hardy) understood, the Government made a very modified statement on the subject. What they did say was, that there were certain difficult questions which should be the subject of future consideration, and that the Government did not take

*Sir George Grey*

up the subject of ecclesiastical cases, because they were afraid they would not succeed in the House of Commons, even if the transfer of jurisdiction were agreed to in the House of Lords. He had not himself intended to propose any change in the Bill as introduced by the Government. But when the question of including Scotch and Irish appeals was agreed to he began to make inquiries among hon. Gentlemen with whom he usually acted, and also among some on the other side of the House, one of whom was the hon. and learned Member for Oxford (Mr. Harcourt), whether he should receive their support if he brought forward the Amendment, and he found that there was an almost general agreement in favour of it. He also spoke to the right hon. Gentleman at the head of the Government the day before he moved it. The right hon. Gentleman finding that there was no difference of opinion on the subject, and that everyone took the same view, assented to the striking out of the words; but he was bound to say that the right hon. Gentleman told him the night before that he could not pledge himself to accept the Amendment, but would leave it open to the consideration of his Colleagues. His right hon. Friend stated that he was not aware that the Amendment was about to be proposed; but it stood first on the Notice Paper, and anybody who looked at the Paper could not but see it. His right hon. Friend further said he did not intend to take any steps to reverse the decision to which the Committee had come, but would leave the matter to be dealt with by the other House. Well, he (Mr. G. Hardy) was quite prepared that it should go to the other House to be considered there. He said, when bringing forward the Amendment, that if the Government were hostile to it he would not press it; but he was still of the same opinion as when he moved the Amendment, that the change was a proper one to be made, and that it was a much better course to send those ecclesiastical causes to the new tribunal.

MR. BOUVERIE said, he shared in the regret expressed by his right hon. Friend near him (Sir George Grey), and he likewise agreed with him in thinking that the adoption of the Amendment of the right hon. Gentleman opposite (Mr. G. Hardy) was a very hasty and precipi-

tate step. The principle involved was, in the minds of many men, even of more transcendent importance than the whole question of final appeal in other cases, and had excited the greatest interest throughout the country at various times, and in regard to it he (Mr. Bouvierie) contended that, in the opinion of a great many persons, a lay tribunal ought not to be the only Court to determine questions of doctrine and discipline within the Church of England. No one could be more fully aware of that than the right hon. Gentleman at the head of the Government, who well knew that from the time of the Reformation downwards every tribunal which had been constituted to decide upon the doctrines, practice, and discipline of the Church of England had been a mixed tribunal, lay learning being in the ascendant, but there being also an infusion of the ecclesiastical element. Indeed, a great complaint on the part of the Church was that it was not entirely ecclesiastical. His right hon. Friend at the head of the Government, more than 20 years ago, wrote an elaborate paper, which he published in his own name, to demonstrate that the Judicial Committee of the Privy Council was an absolutely unfit tribunal to try these cases, because it was composed of laymen. [MR. GLADSTONE: No, no! Read the whole book.] He had read the whole book several times, and he could quote chapter and verse for it. He sometimes refreshed his memory by reading over what the right hon. Gentleman had written; and he could only attribute the denial of his right hon. Friend to the fact that he did not adhere to the opinion he had expressed 20 years ago. These were the right hon. Gentleman's words—

"No one pretends that the constitution of the Judicial Committee of Privy Council is adapted to the due and solemn decision of cases of doctrine. Before the decision in the Gorham case was delivered, and when no man had an interest in upholding unduly the credit of the Court, there was but one voice of reclamation throughout the country against the gross indecency of such a mode of provision for such causes."

Several Prelates sat as assessors with the other Judges in that case, but this did not satisfy the right hon. Gentleman, who went on to say—

"And even now, when the case is much altered in that respect, there is still a nearly universal acknowledgment that the law requires material alteration. It is enough for me to stand on this acknowledgment, and upon the further fact

that so many persons of the greatest weight—from the Episcopal Bench downwards, will find themselves precluded from acquiescence, at any time or under any circumstances, in the law as it now is, because they are convinced that it is a state of law which has already led to the violation, and would ultimately lead to the destruction, of the faith and work of the Church."

In a subsequent part of his essay, the right hon. Gentleman said—

"The transference, then, of these functions to the Court of Privy Council is not progress, but retrogression and decay. The maxim overthrown and disregarded is not one antiquated and unfit for these times, but one deeply founded in the nature of things, and in right human and divine. It being such a maxim, justly may we say that the statute which thus tramples it in the mire is an unconstitutional statute. It is a statute as truly unconstitutional as would be our investing the Executive Committee with the right of taxation or with the dispensing power; as was one which, in the time of Henry VIII., gave to the Royal Proclamation the force of law, or one which, in the time of Charles I., perpetuated the Long Parliament."

Thus, in the right hon. Gentleman's judgment at that time, a mixed tribunal, containing laymen appointed by the Minister of the day, was totally unfit to decide these questions; yet he was now going to make bad worse by removing entirely the ecclesiastical element—a step which would never have been assented to by any Minister of prudence and moderation who had to consider the interests of the Church as well as of the State. He believed that many who favoured the proposal would hereafter advocate the doctrine which his right hon. Friend's pamphlet was written to advocate—that questions of doctrine and discipline should be decided by ecclesiastics only. The Bishop of London at that time proposed that the Court should merely decide questions of law, and that all questions of doctrine should be referred by it to the Bench of Bishops, and it was in support of that, that the essay was written. He feared that a large portion of the clergy and a not unimportant portion of the laity, on finding cases decided by a purely lay tribunal, no longer modified by the good sense and moderation of some of the most distinguished Prelates in the Church, would set up a howl for the creation of a purely ecclesiastical tribunal. That would be an evil day for the Church of England. There was still a notion among a large body of the clergy, that they were a distinct nation within a nation, entitled to determine

questions which, however, affected the laity as much as the clergy. The tendency of the Amendment would be to give a leverage by which that view would be urged, and he lamented, therefore, that any Minister charged with the responsibility of governing Church and State, and of enforcing wisdom and moderation on the contending factions which from time to time almost rent it in twain, should have assented to what would be the beginning of the letting out of water.

DR. BALL said, that when the question was last discussed, the majority of hon. Members who spoke seemed to be in favour of not introducing the episcopal element into the Court for the decision of ecclesiastical cases. Being an Irish Member, representing an Irish constituency, he did not then think it was for him to come forward with a proposition to the effect that, in the High Court of Justice, the Archbishops and the Bishop of London should be members of the Court when ecclesiastical cases came before it. It did not appear to him that the particular Amendment now being considered was open to such objections as had been made to it. Apart from the question of the effectiveness of the Privy Council as a legal tribunal to decide ecclesiastical cases, there was another question—namely, whether, when these cases were transferred to the High Court of Justice, assistance should not be called in before their decision? In the Privy Council the two Archbishops and the Bishop of London sat, and the same provision must be made with regard to the High Court of Justice when ecclesiastical cases were to be heard. It was a serious question whether there should not be an admixture of the ecclesiastical element in decisions upon cases that involved questions of doctrine, and its consideration must be governed by what was found to be the feeling generally in the Church of England. Unless the Amendment were introduced in that House, it could not be introduced in the House of Lords, and therefore it was better to insert it, and allow the Bishops and the House of Lords either to strike it out, or to agree to it as they thought fit.

MR. VERNON HARCOURT said, the Amendment was inconsistent with the spirit of the main decision of the House, inasmuch as it endeavoured to clothe with some ecclesiastical sanction

a decision which was essentially a lay decision. The main point was whether the House was right in determining that the judgment itself should be purely lay, and not a mixed ecclesiastical judgment. He had had no difficulty in concurring in that course. He had been a party to the abolition of *juris de mediata lingua*, in which a certain number of foreigners were mixed with a certain number of Englishmen for the purpose of giving what was supposed to be more complete justice. That Court of the Privy Council was a sort of jury *de mediata lingua*, where it was expected that one class of persons would administer one sort of law, and that another sort of persons would dash it with views of a different description. He had never approved of that course. He had always regarded the Church of England as essentially an Act of Parliament Church, and a Church standing exclusively on lay foundations. He could never forget that in the great statutes of the 1st of Elizabeth, which established the Prayer Book in this country, it was recorded, he believed, as a solitary exception—that those statutes on which the Reformed Church of England stood had been made by the Lords temporal and the Commons, to the exclusion of the Lords spiritual, who were named in almost every other statute. Why was that so? The Prayer Book of Queen Elizabeth was established by William Cecil. He settled the Book at a private conclave in his own house, upon doctrines not altogether consistent with those sometimes promulgated by the descendants of that eminent statesman, and he established it by Act of Parliament against the unanimous remonstrances of the whole of Convocation, and against the opinion of the whole of the English Bishops, except one. The course taken on that subject was to establish the supremacy of the Crown against the clergy and Bishops. That being the foundation of the Established Church, it had always seemed to him that the doctrine and discipline of the Church should be interpreted by a lay, and not an ecclesiastical tribunal. He therefore entirely concurred in the proposal of the right hon. Gentleman the Member for the University of Oxford, and would vote against the Amendment proposed to be inserted, because it seemed to cast a doubt on the purely lay character of the judgment by introducing some

ecclesiastical element in order to give it execution.

MR. GLADSTONE said, that they had begun that evening by the adoption of a small Motion for the purpose of enlarging the little store of time at their command for getting through the necessary business; and immediately after having thus added to their resources in a slender degree, but still in a sensible degree, they were invited by the hon. and learned Gentleman who had just sat down, to discuss the foundation of the Church of England in doctrine and discipline. He must decline to follow his hon. and learned Friend into such a discussion, but must also acknowledge that he was not the first who had endeavoured to draw them from the consideration of the Amendment, for the right hon. Gentleman the Member for Morpeth (Sir George Grey) had preceded him in adverting to a matter not connected with the provision before the House. Then came his right hon. Friend the Member for Kilmarnock (Mr. Bouverie), who often recalled the House to its duties, who wound up the discussion by reviving the memory of a pamphlet he (Mr. Gladstone) wrote some 23 years ago; but although he (Mr. Gladstone) frequently found occasion to lament the failure of his own memory, yet he had found that day that his recollection of that pamphlet was better than the recollection of his right hon. Friend, although he appeared to have read it only that morning. His right hon. Friend said that the proposition in that pamphlet was that ecclesiastical causes should be tried by an exclusively ecclesiastical tribunal, and he said he would prove it by reference to the pamphlet itself. But every line which his right hon. Friend read had to be followed by several lines of his own comments; yet he did not produce a single word to affect the cardinal proposition of that pamphlet. He still thought that pamphlet contained a great deal of important and valuable matter. [MR. BOUVERIE: It is very difficult to understand.] The conduct of the Government had been animadverted upon in two points—first of all, it was said they had departed from the opinion they had expressed when they adopted the Amendment of the right hon. Gentleman the Member for the University of Oxford; and, secondly, his own conduct on that occasion had been

animadverted upon. Now, there had been no change of opinion on the part of the Government. The Government had never put forth that, upon the merits of the case, it would not be wise to make that transfer from the Court of Privy Council to the purely lay Court of Appeal, and he did not find recorded a single word disapproving of that transfer on its merits. The only opinion expressed on the subject was in the other House, and was to the effect, that to introduce such a transfer into the present Bill would increase its burden, and might endanger its passing. And what happened when the Amendment was introduced? Why, the right hon. Gentleman (Mr. Hardy) said very considerately, he did not wish to force the Amendment against the opinion of the Government. No fewer than nine hon. Members had addressed the House, representing every view, and he was desirous that the expression of opinion should be as full as possible. When he (Mr. Gladstone) rose to speak, he was determined to ascertain whether there were two opinions on the subject. The words he used were as nearly as possible to this effect—that from the debate which had arisen, he was fully convinced there was not a single hon. Gentleman in that House who did not agree with the right hon. Gentleman (Mr. Hardy), in the desire to bring ecclesiastical causes within the jurisdiction of the Court of Appeal; and he must say, when the change was adopted by the House, he thought it was supported by the high authority of his right hon. Friend the Member for Morpeth. If they had declined adopting that change, and a division had been called for, the Government, he believed, would have been left in a minority, and they did not wish to place themselves in that position. Under all the circumstances, he did not think it could be considered that any great haste had been shown in the adoption of the Amendment; and as it was quite impossible now to have any satisfactory discussion upon the merits of the question, he hoped they would be allowed to proceed. Beyond that, the matter had been, he thought, fully and freely discussed, and he objected to its being now again brought forward in an irregular and collateral manner.

SIR GEORGE GREY wished to say in explanation that he had been mis-

*Mr. Gladstone*

understood. He did not say that the Government had expressed any opinion adverse to the Amendment; he himself had not done so, provided it were adopted after due deliberation. He said, they had expressed an opinion it ought not to be included in this Bill, but ought to be reserved for separate consideration. On the occasion alluded to, he came to the House utterly unconscious that any such proposal was about to be made towards the close of the discussion; and, not knowing what had been already said, he did not feel qualified to take part in the debate.

MR. HENLEY thought the change had been made somewhat hastily, and he very much doubted whether it would lead to peace or quietness. For the last 30 years, one party had sought to diminish the weight of the judgment of the Court, on account of the preponderance of the lay element, and they would now have their hands strengthened in a way that must work most inconveniently. He regretted the change had been made without more deliberation. He did not mean to say anything had been informally done, because due Notice was given; but he did not think anybody in the House had the least notion of what was being done, and everyone now seemed to be taken by surprise.

MR. OSBORNE MORGAN asked whether anything was to be gained by the Amendment. Why should not the Court execute its own decree?

MR. HOLT wished to enter his protest against the Government allowing a question of that magnitude to be mixed up with the main question before the House. That opinion was expressed by the Lord Chancellor, and he had reason to know that many hon. Members who concurred in the Amendment, still thought it would have been wiser to have left this matter over for more consideration. He thought that the result might be the placing in ecclesiastical hands the very power which they all wished to keep in the hands of both ecclesiastics and laymen.

MR. COLLINS observed that that could not be considered a new question, for when a Bill connected with the subject had been brought forward by Sir Robert Collier, then Attorney General, he (Mr. Collins) moved that the Bishops should not form part of the Privy Council. On that occasion, he was told

that the subject ought to be dealt with in some such a general scheme as the one before the House. It was hardly fair to turn round now and say that this House was taken by surprise. There was no grievance whatever. It was ascertained that the feeling of the House was that these cases ought to be decided by laymen, and not by ecclesiastics. They might be called in as assessors or experts by order of the Court, just as they were in other cases. Bishops, from their position, must be partisans, and it was far better that laymen should decide dry questions of law, as to whether a man did or did not render the obedience required of him.

THE SOLICITOR GENERAL said, the Bill carefully provided that the Court of Appeal should take the place of the Privy Council in advising Her Majesty, so that their fellow-subjects in the colonies, and especially in India, should have the sentences in their appeals pronounced, as hitherto, by Her Majesty herself. By a change in the Act establishing the Judicial Committee of the Privy Council, careful provision was made for remitting its order to the Court below—say in India—to be enforced. When ecclesiastical jurisdiction was first given to the Judicial Committee, by the 3rd and 4th of the present reign, no such provision was made: A discussion arose as to whether the practice of the Privy Council was to be followed in these cases; and it was held that under the particular statute the Judicial Committee had power to pronounce sentence. In order to avoid a similar dispute, the Attorney General, in response to the hon. Member for Lancashire (Mr. Assheton Cross), brought up on the Report, the Amendment to set at rest the question of practice, and to prevent there being any doubt as to the law in the future. In all these matters the ultimate Courts of Appeal had always remitted their sentence to the Court below; that was as much the practice of the House of Lords as of the Privy Council. The House of Lords did not carry out its own orders, so that the Amendment simply maintained the present practice and preserved consistency. It would be inconsistent if Her Majesty were to remit to the Court below in every case except in ecclesiastical cases.

MR. ASSHETON CROSS thought the House ought to take care that, in trans-

ferring that appeal to a purely lay tribunal, they should do so in such a manner as to interfere as little as possible with the consciences of the clergy of the Church of England. He thought the Amendment proposed by the hon. and learned Gentleman would give great satisfaction.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Clause 55 (Divisional Courts of Appeal).

MR. W. H. SMITH in moving an Amendment, to add at end of clause the words—

"If such divisional Court shall differ from the judgment of the Court below, such appeal shall be reheard before a full Court consisting of not less than five Judges on the application of either party."

said, a feeling prevailed among suitors in the Courts of Law, that if the clause remained in its present form, and if there were to be no redress in the event of the Judges of the Appeal Court differing in opinion from the Court below, injustice would be done to them on very many occasions. In all probability the Appeal Court would only consist of three Judges.

*Amendment proposed,*

At the end of the Clause, to add the words "if such divisional Court shall differ from the judgment of the Court below, such appeal shall be reheard before a full Court consisting of not less than five judges on the application of either party."—(Mr. William Henry Smith.)

Question proposed, "That those words be there added."

THE SOLICITOR GENERAL said, no good could arise from reviving the point which was discussed and decided while the Bill was in Committee. If the addition were adopted there might be repeated re-hearings of the particular case. He considered it most important that the judgment of the Court of Appeal should be final, and hoped that, as a rule, more than three Judges would sit in the Court of Appeal.

MR. HINDE PALMER denied that the subject had been thoroughly debated in Committee, and expressed his opinion that when the Judges of the Appellate Court differed among themselves it would be a most desirable thing to have another re-hearing. Where they were unanimous, it should be final with re-

spect to the judgment of the Court below.

MR. AMPHLETT said, that when he proposed this Amendment on a former occasion it was supported by a substantial minority of 144. As the question was then virtually decided, he should recommend his hon. Friend not to press it to another division, although if he did he should feel bound to divide with him.

THE ATTORNEY GENERAL said, he could not accept the Amendment. It proceeded on the fallacy that the Judges of the Court of Appeal would be weaker than the Judges of the Court below, and that question having been argued at great length on a former occasion he trusted that the House would not reverse the decision of the Committee.

MR. JAMES said, that the Court of Appeal ought to be stronger than the Court appealed from, and if there were three Judges of the Court below it would be unsatisfactory to the suitor to have his case decided by less than five Judges of the Court of Appeal.

Question put.

The House divided:—Ayes 55; Noes 97: Majority 42.

Clause agreed to.

AYES.

Adderley, rt. hn. Sir C.	Harcourt, W.G.G.V.V.
Amphlett, R. P.	Hardy, rt. hon. G.
Ashton, R.	Henley, rt. hon. J. W.
Baggallay, Sir R.	Holt, J. M.
Ball, rt. hon. J. T.	Hope, A. J. B. B.
Barclay, A. C.	James, H.
Barttelot, Colonel	Jenkinson, Sir G. S.
Beach, W. W. B.	Lennox, Lord G. G.
Beaumont, H. F.	Locke, J.
Bective, Earl of	Mitford, W. T.
Bright, R.	Morgan, G. O.
Bristowe, S. B.	O'Conor, D. M.
Brooks, W. C.	Pim, J.
Butt, I.	Powell, F. S.
Buxton, Sir R. J.	Powell, W.
Charley, W. T.	Raikes, H. C.
Clay, J.	Sandon, Viscount
Collins, T.	Scourfield, J. H.
Craufurd, E. H. J.	Stanley, hon. F.
Dilke, Sir C. W.	Taylor, rt. hon. Col.
Dowdeswell, W. E.	Torr, J.
Dyke, W. H.	Wait, W. K.
Dyott, Colonel R.	Waterhouse, S.
Ewing, A. Orr	Wells, E.
Fellowes, E.	Wheelhouse, W. S. J.
Figgins, J.	
Fowler, R. N.	TELLERS.
Goldsmit, J.	Fowler, W.
Gore, J. R. O.	Smith, W. H.
Gore, W. R. O.	

Mr. Hinde Palmer

NOES.

Anderson, G.	Kingscote, Colonel
Ayrton, rt. hon. A. S.	Knatchbull-Hugessen, rt. hon. E.
Baines, E.	Lambert, N. G.
Baker, R. B. W.	Lawson, Sir W.
Barclay, J. W.	Leatham, E. A.
Bassett, F.	Lefevre, G. J. S.
Baxter, rt. hon. W. E.	Leith, J. F.
Bentall, E. H.	Lowe, rt. hon. R.
Bolkow, H. W. F.	Lyttelton, hon. C. G.
Bouverie, rt. hon. E. P.	Mackintosh, E. W.
Bowring, E. A.	McClure, T.
Brassey, T.	McLagan, P.
Brewer, Dr.	McLaren, D.
Brocklehurst, W. C.	Matheson, A.
Brown, A. H.	Miller, W.
Bruce, rt. hon. H. A.	Mitchell, T. A.
Campbell-Bannerman, H.	Monk, C. J.
Candlish, J.	Munts, P. H.
Cardwell, rt. hon. E.	Norwood, C. M.
Carter, R. M.	O'Donoghue, Thc
Cave, T.	O'Reilly-Dease, M.
Cavendish, Lord F. C.	Palmer, J. H.
Childers, right hon. H.	Parker, C. S.
Colebrooke, Sir T. E.	Parry, L. Jones-
Coleridge, Sir J. D.	Peel, A. W.
Corrigan, Sir D.	Philips, R. N.
Cowen, Sir J.	Playfair, L.
Davies, R.	Power, J. T.
Delahunt, J.	Price, W. E.
Dickinson, S. S.	Reed, C.
Ennis, J. J.	Roden, W. S.
Finnie, W.	Rylands, P.
Fitzwilliam, hon. C. W. W.	Seymour, A.
Forster, rt. hon. W. E.	Stansfeld, rt. hon. J.
Fortescue, rt. hon. C. P.	Stone, W. H.
Gilpin, C.	Stuart, hon. H. W. V.
Gladstone, rt. hn. W. E.	Talbot, C. R. M.
Gladstone, W. H.	Trevelyan, G. O.
Goldsmid, Sir F.	Villiers, rt. hon. C. P.
Goschen, rt. hon. G. J.	Vivian, H. H.
Gray, Sir J.	Wedderburn, Sir D.
Greville, hon. Captain	Weguelin, T. M.
Grieve, J. J.	West, H. W.
Grenvenor, Lord R.	Whitwall, J.
Hartington, Marq. of	Williams, W.
Henderson, J.	Woods, H.
Hibbert, J. T.	Young, rt. hon. G.
Holma, J.	TELLERS.
Hurst, R. H.	Adam, W. P.
Jessel, Sir G.	Glyn, hon. G. G.

Clause 59 (Power to direct trial before Referees).

On the Motion of Mr. LOPEZ, Amendment made in page 31, line 3, by leaving out the words "or any scientific or local investigation."

Clause, as amended, agreed to.

Clause 79 (Transfer of existing staff of officers to Supreme Court).

On the Motion of Mr. ATTORNEY GENERAL, Amendment made in page 39, line 12, by adding the following words:—

"Nothing in this Act contained shall interfere with the office of marshal attending any Commission of Assize."

Clause, as amended, agreed to.

Schedule.

SIR FRANCIS GOLDSMID moved an Amendment in page 51, paragraph 18, line 36, to leave out the words "be as brief," and insert "set forth the requisite facts as briefly." He proposed the Amendment on the ground that the Bill was not sufficiently definite, in his opinion, upon the point.

THE ATTORNEY GENERAL said, that what the Bill did in that respect was intended merely as a kind of outline or indication of what would be more fully provided for by general rules under the Bill. It was not intended, however, that every plaintiff should file a Bill or draw a declaration.

Amendment, by leave, withdrawn.

Schedule agreed to.

Bill to be read the third time To-morrow, at Two of the clock.

#### RATING (LIABILITY AND VALUE)

BILL.—[BILL 250.]

(*Mr. Stanfeld, Mr. Secretary Bruce, Mr. Gosschen,  
Mr. Hibbert.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

COLONEL BARTTELOT said, he did not rise to oppose the third reading; but as it could not be denied that the Bill would impose considerable burdens upon real property, he wished to take that opportunity of asking the right hon. Gentleman the President of the Local Government Board, what course he intended to pursue after the Bill and the two other measures which would follow it next year became law, with regard to the relief of local burdens? This Bill, whatever else it would do, would not diminish the burdens on real property, and the Government were every day proposing measures which would increase those burdens. The other night they had given a second reading to a Bill for the extension of Denison's Act, which would also impose an additional burden, and had attempted surreptitiously to introduce a highway Bill into the Turnpike Continuance Act; and

when the cuckoo cry was raised that if some portion of the money were paid out of the Consolidated Fund it would lead to extravagance, he denied it altogether, because nobody would increase his own burdens for the sake of dipping his hand into the pocket of the Government for so small a sum. They had been promised considerable things by the Government, and he wished before meeting his constituents to be able to say what it was that the Government intended to do.

MR. GOLDSMID expressed his great satisfaction at the willingness which the right hon. Gentleman who had charge of the Bill had shown in accepting the suggestions and Amendments of private Members. The conduct of the right hon. Gentleman in that respect had presented a marked contrast to that of the Government in other cases. Although it was not an entire settlement of the question, yet he had perfect confidence in his future dealing with the subject, and that when he came to consider the relief of local taxation out of Imperial funds, he would do so in the same direction as his predecessor, the present First Lord of the Admiralty.

SIR GEORGE JENKINSON entered his protest against the Bill, on the ground that it did not advance one step in the direction of making personal wealth contribute to the expenses of local taxation. It simply extended and continued the liability which fell on real property. The noble Marquess the Chief Secretary for Ireland was reported to have said at Nottingham the other day—

"There is the question of local taxation and local government. The Conservative party are very much interested in that; but in what way are they going to settle it?"

Well, it was rather too bad considering the present Government had been in office five years, and that during all that time the Conservative party had been urging them to deal with that subject, that such a question should have been asked by a Member of the Cabinet. Why, a Resolution had been passed by the House in the strongest language calling on the Government to take measures in relief of local taxation, and they had done nothing whatever to carry it out. If the Government really made up their minds to deal with that subject, the machinery of the income tax supplied them with the means of making

personal wealth contribute to the expenses of local government.

MR. STONE denied that the Bill increased the burdens on real property. It merely re-distributed them; but at the same time enlarged the incidence of taxation, and went in the direction of the equalization of burdens. It might be said that the Bill did not go far enough; but what it did, little or much, was in the right direction, and he thought Her Majesty's Ministers were entitled to gratitude for removing the exemption that had existed in favour of Government property.

MR. SOOURFIELD said, he must defend his hon. Friends the Members for West Sussex and North Wilts, who had taken exception to the Bill, which certainly was not distinguished for its logical accuracy. The professed object of the Bill was to abolish exemptions, but it stereotyped the huge exemption of four-fifths of the wealth of the country from local taxation. It did not even abolish the exemption of Government property, but merely stated that the Government would bring in a Bill for that purpose thereafter, which, perhaps, they might never have an opportunity of doing. The country knew exactly what the taxes were to be, but what would they say of a Chancellor of the Exchequer who brought in a series of income tax Bills of various amounts for various purposes? He did not grudge people the fortunes which they made, but at least if they did not pay rates themselves, they ought to refrain from raising a cry that those who did pay rates did not pay enough. Gentlemen who realized enormous fortunes by the sale of quack medicines, which rendered hospitals a necessity; gentlemen who successfully pursued the calling of flat-catching; and a great many others, who made large fortunes, did not contribute a farthing to the rates, yet were constantly swelling the chorus against those who did pay. He could not express any satisfaction with the Bill, which only perpetuated exemptions which were entirely wrong in principle.

MR. CANDLISH said, that the Bill did not increase the taxation of those who now paid it. In answer to the objections urged by hon. Members opposite, he would say that whatever this Bill was, it was not meant to increase local taxation. He thought that both

with respect to Imperial and local taxation people ought to be taxed in proportion to their means; but the difficulty was to find a way by which personal property could be taxed. The right hon. Gentleman had tried to do so, and had not succeeded, and hon. Members who complained of that had not themselves suggested any practical measure for the purpose, and, in fact, it had been pronounced to be impossible by the concurrence of all parties in the Legislature. [Sir GEORGE JENKINSON: I never proposed to rate personal property.] Then there was an attempt to make local taxes payable out of income tax. [Sir GEORGE JENKINSON: I have not done that either.] At present they had exempted only ragged and Sunday schools. For himself, he tendered his thanks to the right hon. Gentleman for the pains and care he had bestowed upon the measure, and for the courteous and conciliatory manner in which he had conducted it through its various stages.

MR. WHEELHOUSE said, the question of rating Government property was left in great obscurity under the Bill. He wished to know upon what principle of rateability the site now occupied by the British Museum would be assessed, and what was to be done with the large piece of waste ground on which the future Courts of Justice were to be erected? There had been a loss upon that ground for many years in the shape of interest upon capital amounting to £88,000 or £40,000 a-year. By the pulling down of the houses which formerly occupied the ground heavy burdens had been thrown upon the parishes of St. Clement Danes, St. Dunstan's in the West, and the Liberty of the Rolls. Another point which had always struck him was that whereas in Leeds, Hull, and other places, they had to pay rates for their museums, philosophical institutes, and even for their police courts, the metropolitan police courts were paid for out of the Consolidated Fund. He could not understand the reason why, and he had asked in vain for an explanation.

MR. STANFELD said, he had pleasure in gratefully acknowledging the tributes paid to his conduct of the Bill in Committee, and had to state that the rateability of the site of the Palace of Justice and of the British Museum would be governed partly by this Bill and partly by the existence or non-existence

of any special statute affecting their rateability. The amounts to be contributed by the Palace of Justice to the local rates settled in the Act under which the site was purchased, were not and would not be disturbed by the Bill. So long as you did not increase the charges on the rates you could not be said to increase local burdens. The wider distribution of burdens must alleviate the pressure upon some of those who contributed. Where metallic mines came under rating for the first time, the occupiers of other property would experience a sensible relief, and the rating of Government property would afford distinct relief to the owners of adjoining property. As to the objection of the hon. and gallant Member for West Sussex (Colonel Bartleff), with regard to the second part of the Bill being of no value, he must point out that it not only directed the Treasury to endeavour to place a value on Government property, with a view to its contribution to rates, but it also empowered the Treasury to enter into negotiations with local authorities. The method which the Government had adopted could not be carried into effect without the preliminary of negotiation and arbitration. The hon. and gallant Member had asked for a renewal of the pledges which the Government had given to the House in reference to the subject of which the present Bill was only the beginning. For him, as the head of a Department of the Government, to undertake, on the third reading of that measure, to give pledges which were to be considered of greater weight than the explicit pledges which had been given by the right hon. Gentleman the Prime Minister himself, would be to place a disproportionate value on his own declarations and those of his right hon. Friend who had in the broadest manner committed the Government to the responsibility of dealing at the earliest opportunity with the question of affording some substantial relief out of Imperial revenues to the local burdens of the country.

Mr. MUNTZ said, that although the right hon. Gentleman at the head of the Government did give the assurances just referred to, he would have preferred seeing the Valuation and the Rating Bills passed in the same Session. He urged hon. Gentlemen to endeavour to reduce local taxation in their own coun-

ties, and reminded them that if they accepted relief from Imperial taxation they could not grudge the Government the right to interfere with the management of their local affairs. For his own part, he thought nothing could be more dangerous to this country than the system of centralization which so generally prevailed on the Continent, and he would rather at any time than be subject to it pay double. As for the Bill itself, he approved some of its provisions, but feared it would do a good deal of mischief, and induce much litigation. England and Wales would now, through the instrumentality of committees, have to make their assessments, which again would be settled by the Court of Queen's Bench; and ultimately the result would be most extravagant. He thought that woods should be rated; for although a growing profit would not be visible year by year, it would be apparent enough in 20 years. Game ought also clearly to be rated.

Motion agreed to; Bill read the third time; Amendments made; Bill passed.

**MERCHANT SHIPPING ACTS AMENDMENT BILL.—[Bill 162.]**  
(*Mr. Bonham Carter, Mr. Chichester Fortescue, Mr. Arthur Peel.*)

**SECOND READING.**

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read the second time."

Mr. NORWOOD said, that no doubt before the next Session the House would have before it a considerable portion of the labours of the Royal Commission which had been appointed, and would then have trustworthy evidence upon which to legislate upon the larger question about which many hon. Members were so anxious. It was a source of annoyance to the commercial community that there should be so many Amendment Acts with regard to the merchant shipping law. At the present time there were no fewer than eight or ten statutes which had to be consulted before it could be ascertained what was the law with regard to merchant shipping, and the original Act of 1854 had been so amended that its authors could hardly recognize it. With regard to the Bill itself, he thought some of the clauses were improvements, whilst others, again,

were unnecessary or objectionable. He alluded especially to Clauses 10 and 11, which provided that every vessel should be supplied with sufficient boats, rafts, or other appliances for saving life. There was no objection to that provision on the part of shipowners, if only some rule was laid down to define what was the amount of such accommodation that a ship must have, but the clauses as they stood left the matter in an indefinite position, and if the question was to be decided by Board of Trade surveyors, there would be the most varying decisions, for it was well known that no two surveyors of the Board of Trade agreed in their reports. If the right hon. Gentleman at the head of the Department persisted with those clauses, he ought to lay down distinctly in a Schedule what amount of boat accommodation British ships must carry, and then the shipowners would have no objection to the clauses. The proposed new clause which related to the removal of wreck imposed such heavy responsibility upon shipowners that he thought no attempt to legislate in that direction should be made during the present Session. He submitted that it was not right for the legislature to impose a considerable amount of responsibility upon shipowners, and yet leave the requirements of the Act so indefinite as to render it impossible for them to know what was really intended. When shipowners knew what was really required of them, they would readily fulfil any duties the law might impose upon them, and he strongly urged the necessity for the consolidation of the law of merchant shipping to remove the confusion at present existing. He should not, however, offer any obstruction to the progress of the Bill.

MR. CANDLISH concurred in the opinions expressed by his hon. Friend as to the vague and indefinite character of many of the provisions of the Bill, and suggested that the right hon. Gentleman the President of the Board of Trade should place upon the Notice Paper, before going into Committee, such Amendments as would explain the various provisions referred to. The shipping interest would then be disposed to thank him for his measure.

SIR CHARLES W. DILKE, on behalf of the hon. and learned Member for Frome (Mr. T. Hughes), gave Notice of the

intention of the latter to propose certain clauses in Committee on the Bill.

MR. CHICHESTER FORTESCUE said, from the peculiarity of the subject, each of the provisions of the Bill must necessarily be treated upon its own particular merits, and he, therefore, was not surprised that it did not give rise to any extended debate upon the second reading, because its provisions could much more usefully be criticized in Committee. The new clauses of which he had given Notice were partly Amendments of the clauses of the Bill, and partly additions to it. In Committee he should be ready to consider all that could be said for or against them; but he believed that most of them were far from adverse to the shipping interest. With respect to proposed clauses bearing on the removal of wreck, he was advised that the clause was justified by the circumstances of the case, and that it would be of great use to the shipping interest. He agreed with his hon. Friends who had spoken that the 10th clause as it stood was too vague and indefinite; but he must add that he did not pretend in the present Bill to arrive at final settlements of that or any of the other matters. The Bill was not intended to anticipate the Report and advice of the Royal Commission which had been appointed, whose evidence and advice he hoped the House might have the benefit of in reference to this subject. What he should propose, in reference to Clause 10 as it stood, was this—He wished at once to make two changes in the law as it had existed with respect to boats. That law was in many cases absurd and useless, for it required the boat accommodation to be in proportion to the tonnage of the vessel, and not to the number of souls on board. He should propose to alter that, and so far to adhere to the clause as it stood in the Bill; but he should not get rid of the present scale. His object was to enable the Board of Trade to make exemptions in cases where the present scale did not apply, and to take power to substitute rafts in lieu of boats. That was the clause which he should propose to substitute for Clause 10. In the present state of our knowledge he thought that would be a reasonable change in the law, and improve the system under which it was now the duty of the Board of Trade to act.

*Motion agreed to;* Bill read a second time, and committed; considered in Committee, and reported; to be printed, as amended [Bill 253]; re-committed for Friday, at Two of the clock.

CROWN PRIVATE ESTATES BILL.

(Lords.)—[BILL 222.]

(Mr. Gladstone.)

SECOND READING.

Order for Second Reading read.

MR. GLADSTONE, in moving that the Bill be now read a second time, said, that in the first instance he wished to remove some misapprehension which had gone abroad with respect to the scope of the measure. The Bill did not aim at altering the law, but at removing difficulties which had arisen with regard to its present effect. He would refer to the Notice of his hon. Friend the Member for Glasgow (Mr. Anderson), which he hoped the hon. Gentleman would either not make, or press on the present occasion. His hon. Friend proposed to move, that it was inexpedient to extend the scope of the Act 25 & 26 Vict., c. 37, until the secrecy at present attaching exclusively to Crown testaments was abolished. What he would represent to his hon. Friend was either that that secrecy, which he imagined grew out of some particular right of the Crown with respect to the law of probate, was right or that it was wrong. If it were right, manifestly it ought not to be used as an obstacle to the Bill; neither ought it to be so used if it were wrong. The Bill was reasonable and just on its own grounds, and the question of secrecy growing out of some particular right of the Crown ought to be tried on its own grounds also. The introduction of the latter question would only tend to confuse any discussion on the second reading of the Bill, and moreover his hon. Friend might, if he so wished it, raise the question at a subsequent stage. There was another impression abroad about the Bill, which he was also desirous to remove; for to his surprise he had seen it stated that the object of the measure was to determine the right of the Crown to have certain moneys paid into the Privy Purse from other branches of the Civil List. The Bill had no connection whatever with any such question, and was merely intended to clear up a doubt as

to the existing laws, as to which the Government had no doubt whatever, and to enable the Sovereign freely to bequeath any landed property which she might possess in her personal capacity to her next Heir. If the opinion of Lord Westbury, when he was Lord Chancellor, were correct on the effect of the Act of George III. and the Act of Victoria, the Sovereign might bequeath to the Heir of the Crown landed as well as other property. But there was a contrary opinion abroad; and it was not for him to say which of the two was right, although he thought the question ought to be set at rest. What was the present state of the Crown with regard to the power of gift and the power of bequest. Before the time of Queen Anne the Crown was free by law to alienate the estates of the Crown, and from those alienations very great abuses had arisen. The Act of Anne prevented those alienations, and subsequent Acts went to the same effect; but in the reign of George III.—about 1800—a distinction was introduced. That distinction was one between the estates held by the Crown as the Crown, and estates held by the Sovereign in his or her personal capacity; and it was enacted that two descriptions of estates should not fall within any of the restrictions of the Act of Anne. One of those descriptions related to estates which might be purchased by His Majesty or his successors out of any moneys issued or applied for the use of his Privy Purse, or with any other moneys not appropriated to any public service. All that class of estates so purchased or acquired were set completely free from the whole of those restrictions, and Lord Westbury's opinion was that when estates had been so set free they could not come back into the category of restraint, but remained absolutely free. The other class of estates set free from restraints of the Act of Anne were estates which might come to the Sovereign by gift from his or her ancestors, not being Kings or Queens. He wished to show that the restraint which the Bill proposed to remedy, if it were in existence, was a miserable shred of a system which either ought to exist in its full force or not at all. If it were necessary to restrain the power of the Queen to convey private property into the hands of the Heir Apparent it ought to be effectual; but

he could show that, so far from its being effectual, it was limited, inconsistent, irregular; it could be circumvented; and, if observed, it would be mischievous to the public service. It was admitted that the Sovereign could give anything he or she pleased to anybody, provided it was not Crown property, but private property; therefore, if they thought it dangerous that the Sovereign should be able to convey real estate to the Heir Apparent, they would have to defend a state of the law in which there was nothing to prevent him or her converting real estate into money, and then handing it over to the Heir Apparent. Lastly, the Sovereign could bequeath any realty without any doubt at all to any person except to the next heir. Was that a reasonable restraint to maintain? He would take the case of a Sovereign who happened to have only one child, who was the next heir to the Crown, and who had no other near relation whatever, this present wondrous wise law would step in and say to that Sovereign—"You may bequeath your property as you like to any distant person, whom you do not care a rush about; but to your child you cannot and shall not bequeath it." What he affirmed was this—that they ought to have no interference with the play of natural and human affections between members of the Royal Family, except for some great, general, clear, and undeniable public object. It was a great blessing when they had a Royal Family guided in its internal relations by human affection. It was a blessing which they had realized in this country to a great extent, and for his own part he should be loth to do anything to interfere with it. With regard to the intention of the Act, a high legal authority had held that it could not have been meant to compel the Sovereign, if she would prevent the union of her private estates to the general body of the Crown estates, either in the first place to tie them up, or in the second place to give them away from the Heir to the Crown, with a view of their coming back circuitously to some other person; or, thirdly, to give them to the Heir Apparent in his own lifetime, in either of which ways they might consequently become the private estates of the succeeding Sovereign. He thought the House would see that a policy like that would place the Sovereign in a

very peculiar position—that of being compelled to leave property away from his or her own child, or to allow it to lapse into the mass of the Crown estate. He knew that this was an attractive thing to some minds; but he did not think that there was any good reason why it should be; at all events, it was not an alternative attractive to the Government. With regard to Balmoral, there could be no doubt that the Queen was free to leave it to whom she chose; but take the case of Osborne. If Osborne were to fall into the mass of Crown estates, it would have to be taken under the charge of the Commissioner of Works, and that House would be asked for a large sum of money for its maintenance as a Royal residence. It appeared to him that these outlying properties were of secondary importance, of no territorial importance whatever, and that it was for the interest of the public, considered in a pounds, shillings, and pence view of the question, that they should not become part of the Crown estates. There was another question about which there was no doubt whatever, and that was, that the Sovereign could bequeath her estates to the son of the Prince of Wales, or to the Heir presumptive; and what, in the name of common sense, could be the meaning of a law such as that which at present existed? However, there were gentlemen—he did not know whether there were any in that House—who urged a so-called constitutional doctrine, which was always entitled to respectful treatment. They said it was not constitutional or safe that great masses of property should be permitted to accumulate in the hands of the Sovereign; that the Sovereign ought to depend on Parliament; and that, if a Sovereign were to become a very great proprietor, that circumstance would have a tendency to disturb the Constitution with respect to the relation of the Sovereign to Parliament. What he should say in answer to that was this—In the first place, there was not the smallest likelihood of that House ever undergoing any serious trouble in consequence of a great accumulation of private wealth in the hands of the Sovereign. A great deal of trouble had been experienced from exactly the opposite process, and it was only during the present reign that they had learnt to look with any feeling of

kindness on the economy and good husbandry of the Civil List. Even during the reign of George III., who was a Sovereign of considerable merit, Ministers were continually coming down to the House to ask for large sums of money to pay off the debts of the Civil List. It was for the interest of the country in every sense that there should be thrift and good husbandry in the Civil List, and, so far as economy was to be made out of it, to enable the Sovereign to purchase private property here and there. The Sovereign should be most welcome to the fruits of such economies, and it would be the worst economy in the world on the part of Parliament to have it otherwise. He should entertain no fear as to the accumulation of a large amount of property in the hands of the Sovereign, even if the arrangement between the Crown and Parliament were permanent; in fact, he considered it a spectral delusion on the part of the persons holding the idea. Centuries must elapse without the possibility of any great masses of property coming into the hands of the Sovereign to create either danger or inconvenience. The arrangement, however, between the Crown and Parliament was not permanent. Parliament had the power of considering the position of the Sovereign at the end of every reign, and the average duration of reigns did not extend to more than 20 or 30 years. The present reign was longer than the average, thank God, and long might it yet last; but by the ordinary law of human life, Parliament might three or four times in the course of a century have the opportunity of considering the position of the Sovereign with respect to private estates. When a demand was made on that House for the Civil List, that House had a right to take the whole subject into consideration, and would not scruple to avail itself of that right. If it were shown that the Sovereign was in possession of private wealth to the extent owned by some Dukes, Marquesses, Earls—ay, or even Commoners—if it were thought that the Sovereign had accumulated too much wealth for the safety of the Constitution, there would be no difficulty in making a settlement in the adjustment of the amount of the Civil List. That was the view of the Government—that there was no likelihood whatever of either danger or inconvenience arising in connection

with the accumulation of private property in the hands of the Sovereign—a view which was strongly supported by the history of the present reign. The present reign had endured since 1837. It had completed its 36th year, and during those 36 years of the reign of Her Majesty, good management in the detail of expenditure had prevailed to a degree that was unexampled. As to the accumulation of property, everybody knew that the Royal estates were very moderate possessions indeed—of an extent which would not be of the slightest territorial consequence to almost any second-rate gentleman; while as regarded money, Her Majesty's fortune was moderate as compared with the sums possessed by hundreds and even thousands of our manufacturers, mine-owners, and merchants. If such was the result of a long-continued reign of unbroken providence and thrift, let us dismiss from our minds that bugbear as to either the danger or the inconvenience of the accumulation of large masses of property in the hands of the Sovereign. The House, he trusted, would see the desirability of giving effect to the measure, and remove that anomaly in the existing law which tended to check the natural action of family affection, and interfere with those conveniences which dictated arrangements between parent and family. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed,  
"That the Bill be now read a second time."—(Mr. Gladstone.)

MR. ANDERSON, in rising to move—

"That it is inexpedient to extend the scope of the Act 25 and 26 Vic. c. 37, until the secrecy at present attaching exclusively to Crown testaments is abolished,"

said, that the right hon. Gentleman had told the House that that was a very simple Bill to remove a small injustice remaining from past legislation. He did not tell them that it was the result of the Act of 1862, with regard to which he (Mr. Anderson) did not think it was of so justifiable a character that they ought to extend its provisions. In fact, if legislation was desirable on the subject, he thought it ought to be directed to a repeal or an amendment of that Act. The right hon. Gentleman also said that the Amendment he (Mr. Anderson) had

put on the Paper was not an Amendment which ought to be considered as an obstacle to the Bill. Perhaps not. He admitted that it was not a very large affair; but he had only put it down to prevent the Bill passing without opposition at some inordinately late hour in the morning, and he hoped that by doing so he should induce some hon. Member learned in the law to raise the great constitutional question as to the right of the Sovereign to dispose by will of land acquired out of the saving of the Civil List, and notwithstanding that no hon. Member had done so, he was not without hopes that a debate would be raised upon constitutional grounds. He did not pretend to be able to argue those points with the learning and skill of a lawyer, but those who were laymen and not lawyers always understood that the policy of our Constitution was that the Monarch ought not to have private estates at all, and that the House of Commons at the commencement of every reign took over the private estates of the Crown, and provided for the Sovereign in the Civil List. That argument had been used over and over again by the right hon. Gentleman himself when he came down to the House to ask it to vote various sums of money to Princes and Princesses, and generally to make provision for the younger sons of the Sovereign. They were always told on such occasions that they were bound to make such provisions, because, according to the Constitution, the Royal Family was never allowed to accumulate private property. He would leave others to argue that point; but as to the matter of secrecy, he had had occasion to speak to a great many hon. Members, and when he first stated that such secrecy existed, it was generally supposed that he was under a wrong impression, until they found out that it really did exist under the Act of 1862. That was verified by the fact that a gentleman presented himself a few days ago at the proper Department, and after tendering the usual fee, asked to be allowed to look at all the Royal wills since the reign of Henry VIII. The official was dumb-founded, and as soon as he could recover his breath, which was taken away by the idea that a "fellow" could have the audacity to make such a request, finding that the "fellow" persisted, referred him to a higher authority, who

told him that he believed the Royal wills were always kept in Lambeth Palace, under the care of the Archbishop of Canterbury. He then referred the matter to the Archbishop, and he was told that they were not there; and that in fact the Archbishop did not know anything about them—so that of the fact of the secrecy there could be no question whatever. Now that that was a very improper secrecy, he thought no one could deny, and when the right hon. Gentleman said that the Amendment ought not to be brought forward as a bar to the second reading, but as an Amendment in Committee, he would at once say that if he would accept it in Committee there was no occasion to move it that evening, and he requested the immediate attention of the right hon. Gentleman to the proposition. There was no reason whatever why the will of any hon. Gentleman should be exhibited at Doctors' Commons to anybody who paid 1s., and that of the Monarch should not be subject to the like scrutiny. Not only was it wrong, but it had a very prejudicial effect in exciting suspicion in the minds of the public. People naturally said—"Why this secrecy?" It was a very suspicious thing to have those Royal wills bottled up, so that no one could see them. There was probably nothing wrong in them, and no earthly reason why they should be concealed. To put them, then, on the same footing as those of other people would remove all suspicion. Some of the right hon. Gentleman's arguments were such as he could attach no weight whatever to; such as that about Osborne House. "Oh," said he, "if Osborne House were thrown upon the nation, there would be so much a-year asked of the House of Commons for the purpose of keeping it up as a royal residence." He (Mr. Anderson) did not see why any difficulty could not at once be put an end to, by selling it. Then the right hon. Gentleman had made a great deal about how economically the Privy Purse had been managed by the Queen. Her present most gracious Majesty was greatly to be honoured and commended for the way in which she had managed the Civil List allowances; but still it was to be remembered that the amount which was given was a very liberal one, and quite sufficient to keep up the dignity of the Crown. Then the question arose—had

the dignity of the Crown been kept up properly? He would not himself say anything on the point, but certainly it had been said abroad and frequently out-of-doors at home that it had not been. The House of Commons did not give the Queen an ample Civil List, merely that she might economize the amount for the purpose of buying landed estates as the right hon. Gentleman suggested; and under that lay the whole theory of the Bill. It was impossible to forget that a year and a-half ago, when a Motion was made for the appropriation of the Civil List, Parliament, it was pointed out, had by the Act granting the Civil List put it under five heads, and they would not have done that, had it not intended to exercise some supervision over them. It was exceedingly doubtful whether Parliament would permit the surplus of one branch to be expended in aid of another. If so, the word in the Act would be that it should be applied to "increase" another. Whatever was the intention of Parliament as to how the surplus was appropriated, the House would remember that on that occasion, the information which was required was refused, and he could not help saying that, instead of that having something to do with the opposition to the Bill, it had something to do with the bringing in of the Bill. He thought he ought to take the opinion of the House on the subject, unless the right hon. Gentleman would give him the assurance that an Amendment would be introduced in Committee to the effect he had stated. Failing that, he should move the Amendment of which he had given Notice.

MR. P. A. TAYLOR seconded the Amendment.

#### *Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to extend the scope of the Act 25 and 26 Vic. c. 37, until the secrecy at present attaching exclusively to Crown testaments is abolished,"—(Mr. Anderson.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GOLDNEY thought the House was bound in common honesty to pass the Bill, the object of which was merely to clear up a doubt which had arisen

upon the Act of 1862. All it contemplated was, that property which went by the disposition of the Queen to her Heir should be held by him as private property, and should not be treated as Crown property, in the event of such Heir succeeding to the Throne. He thought that there was no ground to justify the proposal of the Amendment which had been placed upon the Paper, to render it compulsory that the will of the Sovereign should be published as those of ordinary persons were when they were proved. While allowing that the practice was necessary in order to enable people to ascertain and test any rights they might conceive themselves possessed of under a will, he saw no reason why the intentions of the testator should in any case be communicated to the idle and the curious on payment of £.; but such a practice would be especially inconvenient in the case of the Sovereign. The Bill only gave power to the Sovereign to deal with her private property in the same way as an individual, subject, of course, to that property being liable to all the ordinary burdens.

MR. CLAY agreed with the Prime Minister in all he had said except upon one point. He thought there was a very general feeling in the country against secrecy being maintained with regard to Royal wills. He said with the utmost sincerity that he had not the slightest suspicion anything was wrong; but wherever there was concealment, there was always suspicion of something being behind. He could not himself conceive any reasonable ground why these wills should not be made public like other wills. He did not think the question of gratifying an idle curiosity at all entered into the matter.

MR. BOUVERIE said, the object of the Amendment was to have the wills of the Sovereigns treated in the same way as those of ordinary subjects. The reasons why those wills were not public did not arise, he believed, from any desire of secrecy, but from the technical fact that they were not on the register of the Court. No will was placed on the register until it passed the seal of the Court to authenticate it, but the King's will was not sealed, nor could it be attested by his own seal. That would be merely authenticating his own act in his own Court. When George II. ascended

the Throne, the then Archbishop of Canterbury came down to the first meeting of the Privy Council with the will of George I. in his pocket. When the Archbishop exhibited it, George II. asked to see it, and the moment he received it, he put it into his pocket, and it had never been heard of since. There was a document, however, which it was desirable the Government should produce. He meant the opinion of the late Lord Westbury.

MR. GLADSTONE said, the opinion was a verbal one. As such, he was not in possession of the words, but had given what he considered was the substance of that opinion.

MR. BOUVERIE said, that if the opinion were correct, there was no need whatsoever for the Bill. What the Bill proposed to do, was to alter the principle of the succession of the private estates of the Sovereign, in order to prevent them from falling into the general property of the Crown when the person to whom they were bequeathed succeeded to the Sovereignty. The 2nd section of the Bill extended the operation of the Act of 1833 respecting the law of inheritances to the Crown. Of course, everybody knew that unless an Act of Parliament specially applied to the Crown, the Crown was not affected by it, and as the Act of 1833 did not specially apply to the inheritances of the Crown, they were excluded from its operation. Before the passing of that statute, if any person devised lands to his heir by will, on the death of the testator, the heir took the lands as heir and not as devisee. But by the statute of William IV. the heir would take as devisee and not by inheritance. The consequence was, that lands left to the Heir of the Crown by the Sovereign were taken still under the old Common Law by the successor not as devisee under the will, but as Heir to the Crown, and the lands thus fell into the hereditary estate of the Crown, and could not be alienated under the statute of Anne. The policy of Parliament for a considerable time had been that the management of the hereditary estates of the Crown should be undertaken by Parliament, who in return gave a certain fixed sum to the Sovereign with which to pay the expenses of the Household and certain other charges. Hon. Members were probably aware that during the reigns of Anne, George

I., and George II., the present arrangement, as regarded the Civil List, did not exist, but a certain revenue was provided for the Crown by appropriating to the Sovereign for life certain hereditary estates and Customs and other dues. But when George III. succeeded, he handed over all the hereditary estates of the Crown to Parliament, and received in return a large fixed revenue, amounting in the whole, including certain revenues derived from the West Indies, Scotland, Ireland, and other sources, to upwards of £1,000,000 per annum, out of which he had to provide for the discharge of certain public duties. But, notwithstanding that, the Crown was in perpetual difficulties, and constantly coming to Parliament for grants in aid of the Civil List. The allegation was constantly made that the revenues of the Crown were largely employed for corrupt purposes, and that they found their way into the pockets of Members of either House of Parliament, and were used in carrying on the Parliamentary system of that day, which was more or less carried on by corruption. Accordingly, when William IV. came to the Throne he not only transferred the hereditary revenues of the Crown to Parliament, but all the other revenues to which he had referred with the exception of the Duchy of Lancaster, which still formed part of the Privy Purse of Her Majesty. When Her Majesty succeeded to the Throne, a Committee composed of the most eminent Members of that House considered the subject, and went into a minute investigation of the cost of maintaining the dignity of the Crown. They allocated certain sums in respect of certain classes of expenditure, as for the Lord Chamberlain, the Lord Steward, the Pension List, and so forth, and proposed to the House of Commons that the Civil List should be fixed at £385,000 a-year, the Crown no longer to pay the expenses of the Civil Service for Judges, &c., which were not immediately connected with the Civil List. The policy of Parliament had been, therefore, since the Revolution, that the Crown at each accession should have a definite fixed sum allocated for the purpose of maintaining the dignity and honour of the Crown, and that all the rest should be under the management and authority of Parliament. He agreed with the right hon. Gentleman that with regard to money

*Mr. Bouvierie*

it was impossible to make any provisions; but the lands were visible, and he maintained that they ought to continue the policy hitherto pursued—namely, fix at the accession the proper sum to maintain the honour and dignity of the Crown munificently and generously, and take over the management of the Crown property. But the result of that Bill so far as it had any operation at all, would be that whatever private estate of the Crown might now under the former Acts be at the disposal of Her Majesty during her lifetime, if left to the successor to the Crown, would no longer form part of the hereditary revenues, as they would do under Common Law, but would be the private estate of the Crown of which it had to render no account. That he held to be a retrogressive policy. He did not mean to say that in the lifetime of the present generation the Crown was likely to accumulate great private estates like those to which he had alluded. But the principle contended for by his right hon. Friend at the head of the Government was ill-judged, and if adopted might be the cause of much future trouble. It was all very well for his right hon. Friend to pooh-pooh that line of argument; but what had been done once might be done again, and it might at some future time be found very convenient by those who wielded the Prerogative of the Crown in that House to have at their command large independent means, of which no account had to be rendered to Parliament. The principle which he was advocating had been contended for a century ago by such men as Burke and Chatham, and he was strongly of opinion that the House of Commons would be taking the right course in restricting the Crown as far as possible to the revenues voted by Parliament at every accession. Any other course, such as that proposed by the present measure, must tend to initiate a new and a wrong policy. One of its most prominent results would be to prevent any such periodical revision of the arrangements to be made between Parliament and the Crown, and he was therefore opposed to it. The question was one, he might add, which was of as great importance to the Crown itself as to Parliament. It had hitherto been the practice that the Civil List was settled on the accession of the Sovereign,

irrespective of the allowance to the children when they grew up, or were about to be married. When the occasion for such a provision arose, those who objected to it in that House had been always met—and successfully met by the answer that the arrangement with the Crown had been entered into without regard to any such expense. But how would the case stand if they were to proceed on the supposition that there were to be large private estates attached to the Crown which might go on accumulating indefinitely? Would not the House of Commons be then fully justified in saying—"We do not know the amount of these revenues. The Crown has very large estates throughout the country, and we do not, therefore, feel called upon to provide for the children of the Sovereign?" That appeared to him to be a position in which it would be disadvantageous to the Crown itself to be placed, and he must, therefore, despite the ingenuity of his right hon. Friend, characterize the policy for which he contended as one of retrogression. In what he had said, he had considered it right to point out what he believed to be fallacious in the ingenious speech of the right hon. Gentleman.

MR. MUNTZ entirely concurred in the view expressed by the last speaker. The object of the Bill was to do away with the course of policy which had been deemed by our ancestors necessary to the welfare of the State. No doubt, the House would be very loth to interfere in any way with the private effects of the Sovereign; but that was a question dealing with landed property. Under the present arrangements the Crown could not leave landed property by will to the Heir to the Throne as private property; because such bequest might interfere with the settlement of the Civil List when the Heir succeeded to the Throne, and it would be very unwise to interfere with such an arrangement. The Civil List was granted to the Crown in return for the Crown property, and there was an understanding that that House would be prepared to make proper settlements upon the children of the Sovereign when they came of age or were married; but if the Crown was permitted to hold private property, and could in a long series of successions accumulate a large amount of landed property, on what ground could that House

be called upon to provide allowances for the children of the Sovereign?

THE SOLICITOR GENERAL said, the subject before the House was one of considerable difficulty, and he would endeavour to explain it as well as he could; but he was not at all sure it would be easy to follow his statement. The doubt which the Bill was intended to solve arose from the peculiar wording of the Act of George III. That Act enabled the Sovereign to dispose of two classes of estates. The first class consisted of estates which the Sovereign purchased out of his own money, acquired by means of the savings of his Privy Purse, or which arose from personal estate given or left to him. The second class consisted of real estates which were left to him by will, or which had descended, or should descend to him from any person not being a King or Queen of these realms. The reason of the latter exception was quite obvious. The words were used in the past as well as in the future tense, and if Kings and Queens were not excepted, pretty well the whole of the Crown property would have fallen under the description of private property. The House would see that the reason of the exception had really nothing to do with the Sovereign to whom that property was given, devising to a future Sovereign; but had to do with the nature of the property which had come to him, and which was intended to be alienable as private property. The effect of the statute was this—Some lawyers were of opinion that under the first words of the statute, the property acquired by means of savings of the Privy Purse was for ever taken out of the statute of Anne. Some lawyers opined that that property remained alienable for ever; and if that view was correct, the Bill was not wanted. The other view was, that the second alternative of the section, showed the intention of the Legislature was that the first words should be read distributively and should only apply to the King for the time being; and that was the meaning of the doubt which was referred to in the Preamble of the Bill. There was a great deal to be said on both sides; it was undoubtedly an extremely difficult point, and the object of the Bill was to get rid of the doubt. The old Act was supposed by some of the Members who had spoken to have presented a difficulty as to Her Majesty disposing of

her private estate in favour of the Prince of Wales; but what difficulty was there in the way of Her Majesty giving estates to the Prince of Wales? None; the difficulty was, whether the Prince of Wales, if he should become King, could alienate the estates. There was no doubt entertained by any lawyer as to the power of Her Majesty to give these estates to the Prince of Wales; the doubt was, when he had got them, could he alienate them? Any conveyancer would tell the House that that difficulty could be got over with the greatest ease—for instance, by Her Majesty making a will in a peculiar form not to give the property to the Prince of Wales absolutely, but to direct it to be sold, with his consent, the income and proceeds to be given to him for his life, and after his decease to go to his eldest son absolutely. It was quite clear under that disposition, that they would not become Crown estates at all. The object of the Bill was to give the Prince the power of alienation; not to enrich the Crown, but to impoverish the Crown by getting rid of the estates. He wished to say a few words about the supposed secrecy or concealment of Crown wills. There could not be a greater mistake. The word concealment was entirely inappropriate; concealment and non-disclosure were totally distinct things.

[Laughter.] Yes, there was a difference. The charge of concealment implied an obligation to disclose, but there was no obligation on the Sovereign to disclose the contents of the will disposing of his or her real estate. He or she was, in fact, in the same position as regarded this point as any private individual. Wills of real estate—and this Bill only applied to real estate—did not require probate. Every owner of land could, if he thought fit, make a separate will of his real estate, and no one need know what his testamentary dispositions were. He (the Solicitor General) had seen very many such wills, which in former days were much more common than now. It was a mistake to suppose that the Crown was in a different position as regarded the testamentary disposition of landed property from any other individual. The real complaint of the hon. Member for Glasgow (Mr. Anderson) was that Her Majesty's ancestors had simply done that which hundreds of private gentlemen had done—namely,

by putting their wills of real estate upon separate pieces of paper, they had not allowed the world to know what their dispositions of real estate were. The Bill had nothing whatever to do with dispositions of personal estate; and as regarded those dispositions it was by mere accident that the public could ascertain the contents of the wills of private individuals which were in the Court of Probate. There was nothing to hinder the Court of Probate from stopping the practice to-morrow. The present practice of exposing the affairs of a private individual to satisfy the public curiosity almost as soon as the breath was out of his body had been very much abused, and had caused great annoyance and even pecuniary loss. A word now about the Civil List. Hon. Members said that if on a future occasion the House should be about to settle the Civil List, and the Crown should be in possession of large landed estates, it might affect the settlement. Certainly it might; but before the House of Commons settled the Civil List it would ask for a statement of what this property consisted of. Had the House never heard of such inquiry being made into the revenues derived from the Duchies of Cornwall and Lancaster? The result would probably be that the next Sovereign would take care that all his accumulations assumed the shape of personality, as to which no such suggestion could fairly be made; although the House could call for a return even of personality, before granting the sum which they thought necessary to support the dignity and power of the Crown. The right hon. Gentleman reminded him that in the case of the Prince of Wales such an inquiry was made and answered before an allowance was given to him. The Bill was really intended to get rid of a difficult legal question; by no means to increase the property of the Crown, but so far rather to diminish it by enabling the Sovereign for the time being to dispose of private property with any conditions he or she might think proper; in point of fact, to dispose of it as they pleased.

SIR CHARLES W. DILKE: Mr. Speaker—To some people it seems a hardship that we should deal with the Royal Family in a way different from that in which we deal with any other family in the country. There is a certain plausibility at

first sight in the view that the King should be allowed to receive legacies or other gifts of money, or to make savings upon his income, and to invest them in any manner that he may please. I will not go into the right or wrong, or the policy or impolicy of the matter. All that I will contend is that we have broken through the old practice of the Constitution in this respect, and are following neither the one principle nor the other. In old times the King was not allowed to hold private property. Land he could not have at all, and such personality as he might accumulate went of necessity, and in right of his Crown, to the succeeding Monarch. On the other hand, when the Kings informed Parliament that their children had grown up and were needing separate maintenance, and that by the law of the land no funds existed for that maintenance, they did so in the following terms:—"Whereas His Majesty is restrained by the Laws now in being from making provision for his younger children"—and Parliament used then to make a moderate provision—but not "to take effect till after His Majesty's demise." If the Royal Family are to be subject to no disabilities, are to be treated in every way like private individuals, then clearly it should follow that it is the duty of the Royal Family to provide for the maintenance of its younger branches. I repeat, that at the present time we are following neither the one course nor the other. We do impose disabilities on the Royal Family, especially those of the Royal Marriage Act, and we are allowing them by this and previous Bills to create a perpetual secret entail of private lands, as to which we have no information. We are allowing a wholly exceptional privacy to the Royal wills, and at the same time we are continuing to provide those dowries and annuities for the younger members of the family, in favour of which the ancient Constitutional argument that I have quoted cannot be used. That, Sir, is my case against this Bill, which continues the policy of the Act of 1862, and which facilitates the creation of the secret entail of which I speak. The Motion of my hon. Friend the Member for Glasgow covers only one portion of the ground. It strikes at the secrecy which attends the formation of a private estate for the Crown, and it strikes only at that secrecy on one side. It is aimed

at the secrecy of the will. As to the fact of that secrecy there can, I apprehend, be no doubt. At the Wills Office inquirers are informed that the Royal wills are not there, but that they may possibly be found in the Archi-Episcopal Registry at Lambeth. At Lambeth, it turns out on application that nothing is known about them, and I repeat that there can be no doubt about the fact. On the other hand, I could almost wish that my hon. Friend, in his desire for a wholesome publicity, had asked that as a condition precedent to the passing of this Bill we should be promised a publication of accounts, and I would suggest to him that in Committee he should move a clause similar to that which in an Act of the present reign commands the publication of the receipts and disbursements of the Duchy of Lancaster. By the publication of accounts we should see whether the provisions of the Acts of Parliament relating to these estates are observed, and our successors at the beginning of the next reign would be in possession of information which would show them how far the Crown might have become independent of the Votes of Parliament. Let me return, Sir, for one moment to the main question—namely, the Constitutional practice on this point of the tenure of private lands by the occupant of the Throne. It is interesting to look at the care exercised in former times to prevent that accumulation of private property by the Crown which by this Bill, and by the Act of 1862, we positively facilitate. The preamble of the Act of 1862 recites an Act of Anne and an Act of George III., which wholly restrain the Sovereign for the time being from dealing permanently with land, and which take the King's revenue from lands for public purposes. It recites other Acts which show that when in later times the Crown began to be allowed to hold small estates privately, an exception was made of land coming to a King from ancestors who were "Kings or Queens of this realm." The principle which I have called the ancient Constitutional principle, and in support of which I can produce an overwhelming weight of authority, was acted upon to a most striking extent in the case of the Duchy of Lancaster. It was the private property of an individual who happened to come to the Crown of Eng-

land. Yet it is, and long has been, administered through a public Minister changing with the changes of the Government. Its accounts are presented to Parliament; its amount is considered in settling the income of a Sovereign at the beginning of a reign. I said that I could produce an overwhelming weight of authority in favour of the view that it is unwise to allow the Crown to hold private property in land. The hon. Member for Finsbury has pointed out in his book on India, that the reason why Pitt objected to undertake the conquest of Bengal in the name of the Crown, was lest the King should thus obtain a source of income independent of Parliament. Mr. Burke and Mr. Fox I quoted last year in support of the same view, as I did the remarkable words of Field Marshal Conway, who, in his speech in support of Mr. Burke's Bill, said—

"Even the propriety of interfering, not only in the selling of the private property of the Crown, but in the appropriation of the money arising from the sales of that property, is a principle admitted in this House and approved by Lord North."

That great authority of the Whigs, Mr. Allen, in his book on *The Royal Prerogative*, says that—

"It has become a maxim of English law that all lands and tenements possessed by the King belong to him in right of the Crown, and descend with it to his successors, though he had been seized of them in his private capacity before he was King or had inherited them from ancestors, who were never invested with the attributes of Royalty."

At the beginning of the present reign, in a great speech upon this subject, Mr. Daniel Whittle Harvey said—

"The Crown could have no possession either in money or in land, which was not properly under the control of Parliament, and though the House might now be induced to act a crouching and subservient part, both old and modern times could assert and authorize this doctrine. It was the doctrine of Burke; it was the doctrine of Fox; and in more modern times it was the doctrine of the President of the Council, who, in the other House in 1816, repudiated the notion that the Crown could possess any property of its own."

The hon. Member for Liskeard was one of those who supported Mr. Harvey on that occasion. This was the opinion of Sir George Lewis, who on the 22nd of May, 1857, said—

"It has been deemed a matter of policy in this country wholly to strip and denude the

Sovereign of all hereditary property, and to render him during his life entirely dependent upon the bounty of Parliament"—[3 *Hansard*, cixv. 724.]

These opinions laid down in *Coke upon Littleton*, by Pitt, by Burke, by Fox, by John Allen, and by Sir George Lewis, were acted upon by Parliament in the case of the Brighton Pavilion, and, I think I may add, have never as yet been denied by any Minister of the Crown. We shall probably be told that there is no danger of the Crown becoming independent of Parliament, and that the private landed estates are still small. They may be small in this country, and large in the colonies; but in any case this is a reason for our wishing to know the amount, and hence for the publication of the accounts. Even supposing that the estates are small now, they may become enormous at any moment without our knowing it, owing to the non-publication of the will and the non-publication of accounts. Persons desirous of notoriety may in the future, as they have in the past, leave enormous legacies to the King. Moreover, are these estates so small? The Privy Purse receives £32,000 a-year more from the Duchy of Lancaster than it did at the beginning of the reign. At the beginning of the reign the payment to the King from the Duchy of Lancaster was £8,000 a-year, and is now £40,000. The savings on the Civil List applied to the Privy Purse—in consequence of the refusal of my Motion of last year, and the suppression of the Returns since Lord Brougham's Motion in the Lords in 1851—are not known, but cannot for a great many years have been less than £20,000 a-year, and may have been double or treble that sum. I think, therefore, that it may be said that the King of England—looking to the fact that the Privy Purse is clear of almost all the charges which fall upon the Privy Purse in other countries—is by far the richest of monarchs. Last year the Prime Minister contended that the savings were not large, because £20,000 a-year in new pensions, chargeable on the Privy Purse, had been created during the present reign, but when Parliament has laid down, in Act after Act, the principles which guide the bestowal of pensions, it is highly unconstitutional that these pensions should be granted at all without our knowledge, and one of

the greatest dangers arising from that accumulation of private property by the Crown which is now going on lies in the fact that such pensions may without any restriction as to amount and character be secretly created. I have no doubt that the Conservative front bench will support this Bill, because since our last debate upon these subjects we have had the pleasure of reading the memoirs of Baron Stockmar, the Royal Physician, in which he states that "all questions affecting the Crown are now treated confidentially with the heads of the opposition"—a proceeding the constitutional spirit of which I take leave to doubt.

DR. BALL must tell his hon. Friend the Member for Chelsea that he was entirely mistaken. He objected altogether to lawyers giving their opinions on legal questions, or debating them, simply as agents of political parties. The course which he took on this Bill was his own, and he looked at the Bill as he would look at any other. What was the Resolution now before the House?

"That it is inexpedient to extend the scope of the Act 25 and 26 Vic. c. 37, until the secrecy at present attaching exclusively to Crown testaments is abolished."

He entirely agreed with the hon. and learned Solicitor General; indeed, it was seldom that lawyers disagreed about the law—that if the instrument disposed of nothing but realty, there was no obligation on any person to disclose the contents of the instrument. The tenure of landed property did not lie in the probate, but in the original instrument. He did not, therefore, agree that there was as to realty an exclusive power of secrecy in the Crown. As regarded personalty, there was. But that was an extremely secondary matter. The real question appeared to him to be that raised by the right hon. Gentleman the Member for Kilmarnock (Mr. Bouvierie). The great learning and sound judgment his right hon. Friend brought to bear on every constitutional question made him most reluctant to differ from him; but he was utterly unable to see the wisdom of making a prohibition on the Sovereign's power of disposing of private property so as to give the Heir to the Crown an ownership in it. Sovereigns were not in that respect different from other people, and if the Sovereign was fettered in the gift—if they jealously interfered with the terms and conditions of the gift—

the Sovereign would give in the direction where there was unlimited and absolute power. That was human nature. So far as policy, he thought it was in favour of encouraging to give to the Heir who would be Sovereign. The wealth of the Sovereign was part of the wealth of the country. The Sovereign was not a private individual, but, in a representative character, stood at the head of the nation. He was unable to follow the argument of the right hon. Gentleman with respect to the change introduced in the law of England in 1833-4. Prior to that, the Heir took by descent, not by purchase. The law was altered—why? Because the ablest Commission that ever sat on the law recommended the alteration; and the Heir now took by purchase, not by descent. And why should the Crown by any technicality be excluded from the benefit of that change of the law? The opinion of Lord Westbury had been referred to, and it was in favour of the Crown. He was prepared on that opinion to say that as regarded the Sovereign, it would not be just to withhold their support from the Bill. With respect to the opinion, he could not examine it critically, for such was the eminent legal learning and ability of that great lawyer who had now gone from among us, he would be inclined to exclaim "*Malleum cum Platone errare quam cum aliis recte sentire.*"

MR. JAMES must say, with great deference to his hon. Friends around him, that the objections they had raised to this Bill appeared to him to rest on insufficient grounds, and that they were to a great extent founded on a misapprehension of the probable effects of the measure. It was somewhat amusing to observe the alliance between the hon. Baronet the Member for Chelsea (Sir Charles Dilke) and what was called the old Constitutional doctrine asserted by his right hon. Friend the Member for Kilmarnock (Mr. Bouverie), to which he had attached himself with something like hereditary feelings. That doctrine—that the Crown could not deal with private property, however, was annihilated when once the Crown obtained the power, and that had created an entirely new state of things. In fact the speech of the right hon. Member against the Bill ought to have been made 74 years ago. When the popular party associated with the hon. Baronet the Member for

Chelsea came to use the same language, that would give rise to a misapprehension out-of-doors that the Bill was an innovation, and that an attempt was being made to increase the power of the Crown: It was almost absurd, particularly when they had in public opinion a greater corrective than in any statute, and more especially while they had such a doughty exponent of public opinion in that House as the hon. Baronet the Member for Chelsea, to fear that the power of the Crown was going to be increased, because the Crown might leave landed property to one descendant as well as to another, a privilege to which he could see no objection. The public had greater interest in property following the Crown and the State than in its being devised to strangers. Suppose the occupant of the Throne left property to a stranger, how would the public benefit? If it went to the successor to the Crown there would not need to be such a large Civil List as would otherwise be required. This Bill did not impose the secrecy objected to by the hon. Member for Glasgow (Mr. Anderson), who, if he would remove it, should move to repeal the original Act; but the secrecy was most shadowy, for large properties could not be left and enjoyed without the knowledge of the public. He could not see the least objection to the Bill.

MR. ANDERSON said, as it appeared that hon. Members desired to take a division on the Main Question rather than on that raised by his Amendment, he would withdraw the Amendment.

Amendment, by leave, withdrawn.

Main Question put.

The House divided:—Ayes 167; Noes 35: Majority 132.

Bill read a second time, and committed for Thursday.

#### AYES.

Adderley, rt. hon. Sir C.	Brassey, T.
Amphlett, R. P.	Brewer, Dr.
Ayrton, rt. hon. A. S.	Bright, R.
Baines, E.	Brinckman, Captain
Ball, rt. hon. J. T.	Bristowe, S. B.
Barclay, A. C.	Brocklehurst, W. C.
Barclay, J. W.	Brown, A. H.
Barttelot, Colonel	Bruce, rt. hon. H. A.
Bassett, F.	Buller, Sir E. M.
Bates, E.	Burrell, Sir P.
Baxter, rt. hon. W. E.	Campbell-Bannerman, H.
Blennerhassett, Sir R.	Cardwell, rt. hon. E.
Bonham-Carter, J.	Cartwright, W. C.
Bowring, E. A.	Cavendish, Lord F. C.
Brassey, H. A.	

Sir Charles W. Dilke

Colebrooke, Sir T. E.  
 Coleridge, Sir J. D.  
 Collins, T.  
 Corrigan, Sir D.  
 Cowper-Temple, right hon. W.  
 Craufurd, E. H. J.  
 Dalrymple, D.  
 Davies, R.  
 Denison, C. B.  
 Dent, J. D.  
 Dickinson, S. S.  
 Dimsdale, R.  
 Dixon, G.  
 Dowdeswell, W. E.  
 Duff, M. E. G.  
 Dyott, Colonial R.  
 Edwards, H.  
 Enfield, Viscount  
 Ewing, A. Orr  
 Fielden, J.  
 Figgins, J.  
 Finch, G. H.  
 FitzGerald, right hon. Lord O. A.  
 Fitzwilliam, hon. C. W. W.  
 Fitzwilliam, hon. H. W.  
 Fletcher, I.  
 Forster, rt. hon. W. E.  
 Foster, W. H.  
 Fortescue, rt. hon. C.P.  
 Fowler, R. N.  
 Fowler, W.  
 Garnier, J. C.  
 Gilpin, Colonel  
 Gladstone, rt. hon. W. E.  
 Gladstone, W. H.  
 Goldney, G.  
 Goldamid, Sir F.  
 Goldsmid, J.  
 Gordon, E. S.  
 Gore, J. R. O.  
 Goschen, rt. hon. G. J.  
 Graham, W.  
 Gray, Colonel  
 Greville, hon. Captain  
 Grieve, J. J.  
 Grosvenor, hon. N.  
 Grosvenor, Lord R.  
 Hardy, rt. hon. G.  
 Hartington, Marq. of Hay, Sir J. C. D.  
 Henley, rt. hon. J. W.  
 Heygate, Sir F. W.  
 Heygate, W. U.  
 Hibbert, J. T.  
 Holford, J. P. G.  
 Holland, S.  
 Holt, J. M.  
 Hope, A. J. B. B.  
 Hoskyns, C. Wren-Hurst, R. H.  
 James, H.  
 Jardine, R.  
 Jessel, Sir G.  
 Johnston, A.  
 Kavanagh, A. MacM.  
 Kensington, Lord Kingscote, Colonel Knatchbull-Hugesson, right hon. E.  
 Knight, F. W.

Lacon, Sir E. H. K.  
 Lambert, N. G.  
 Lancaster, J.  
 Lawrence, W.  
 Lefevre, G. J. S.  
 Leith, J. F.  
 Lennox, Lord G. G.  
 Lindsay, hon. Col. C.  
 Lowe, rt. hon. R.  
 Lusk, A.  
 Lyttelton, hon. C. G.  
 Mackintosh, E. W.  
 Mc'Legan, F.  
 Matheson, A.  
 Miller, W.  
 Mitchell, T. A.  
 Monsell, rt. hon. W.  
 Morgan, G. O.  
 Nicholson, W.  
 O'Reilly-Dease, M.  
 Pakington, rt. hon. Sir J.  
 Patten, rt. hon. Col. W.  
 Peel, A. W.  
 Pemberton, E. L.  
 Pim, J.  
 Potter, E.  
 Power, J. T.  
 Raikes, H. C.  
 Rathbone, W.  
 Reed, C.  
 Round, J.  
 Sackville, S. G. S.  
 Slater-Booth, G.  
 Scourfield, J. H.  
 Sinclair, Sir J. G. T.  
 Smith, S. G.  
 Stansfeld, rt. hon. J.  
 Stapleton, J.  
 Stone, W. H.  
 Storks, rt. hon. Sir H. K.  
 Straight, D.  
 Stuart, hon. H. W. V.  
 Talbot, C. R. M.  
 Tipping, W.  
 Tollemache, hon. F. J.  
 Tollemache, Maj. W. F.  
 Torr, J.  
 Torrens, W. T. M'C.  
 Tracy, hon. C. R. D.  
 Hanbury-Trevelyan, G. O.  
 Trevor, Lord A. E. Hill-Turner, C.  
 Turnor, E.  
 Verney, Sir H.  
 Vivian, A. P.  
 Wait, W. K.  
 Wallace, Sir R.  
 Walpole, rt. hon. S. H.  
 Watney, J.  
 Wedderburn, Sir D.  
 Welby, W. E.  
 West, H. W.  
 Wheelhouse, W. S. J.  
 Whitwell, J.  
 Williams, W.  
 Wingfield, Sir C.  
 Winterbotham, H. S. P.  
 Woods, H.  
 Young, rt. hon. G.  
 TELLERS.  
 Adam, W. P.  
 Glyn, hon. G. G.

## NOES.

Bright, J. (Manchester)  
 Buckley, N.  
 Butt, I.  
 Candlish, J.  
 Carter, R. M.  
 Chadwick, D.  
 Clay, J.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Downing, M'C.  
 Finnie, W.  
 Gray, Sir J.  
 Ilkingworth, A.  
 Lawton, Sir W.  
 Locke, J.  
 Lubbock, Sir J.  
 McLaren, D.  
 Melly, G.  
 Miall, E.

Miller, J.  
 Monk, C. J.  
 Morley, S.  
 Mundella, A. J.  
 Muntz, P. H.  
 Norwood, C. M.  
 Philips, R. N.  
 Price, W. E.  
 Rylands, P.  
 Samuelson, H. B.  
 Shaw, R.  
 Sherriff, A. C.  
 Stuart, Colonel  
 Taylor, P. A.  
 White, J.  
 Willyams, E. W. B.  
 TELLERS.  
 Anderson, G.  
 Bouvierie, rt. hon. E. P.

## ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL—[BILL 207.]

(*Mr. William Edward Forster, Mr. Secretary Bruce.*)

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. William Edward Forster.*)

MR. DILLWYN, in moving, as an Amendment, That the Bill be read a second time that day three months, said, that for very many years the endowed schools of the country, which were very numerous, had, in consequence of what he contended was a false construction of the law, been to a great extent monopolized by the Church of England. The Courts had decided that vague and general words, such as that trustees or managers of schools should be honest men, or that the children should be taught godly learning, meant that the trustees should be members of the Church of England, and that the children should receive their education in conformity with the doctrines of that Church. No doubt, many of them were expressly founded for the purpose of bringing up and educating the scholars in the doctrines of the Church, in addition to the classical and secular education given. He himself brought in a Bill the object of which was to endeavour to break down the objectionable state of the law relating to those endowed schools, for the reason that the system of management of those schools gave great offence to Dissenters and the country at large; and it was not only the intolerant course of conduct

pursued by the Church of England trustees, but the way in which those schools were mismanaged by the party that was objectionable, and those two clauses led to an alteration of the Act, and to the passing of the Act of 1869. That Act had met with such general approval that had the present measure been a mere Continuance Bill it would have received his cordial support; but he objected to several of its provisions, especially the 5th clause. In placing the schools under the Commissioners the House had determined that they should be governed by a body responsible to Parliament and the country. Sectarian teaching and sectarian teachers therefore ought to be excluded, in accordance with the principle thus established; and, in fact, he did not see any reason why any good practical working man should not be on the trusts. He altogether objected to officials of the Church of England being trustees by virtue of their office. They might be altogether unfitted for such a position—indolent, quarrelsome, or litigious—and yet they could not be removed. Worse still, they might in the present exceptional position of the Church be opposed in doctrine and practice to a great body of their parishioners, and yet they must remain *ex officio* trustees. That provision was the more unjust when it was considered that members of other religious bodies were practically excluded from acting in the trusts; and if ever they did get upon them, might be easily removed, if incompetent. He did not thus speak of the objection reasonably urged by Dissenters where they were in a majority, as they were in Wales, but of that of Churchmen themselves. Very recently the Archbishops of the Church had stated that a very large section of the clergy of the Church of England was making innovations and using practices which they characterized as being highly dangerous to the interests of the Church, but under the Bill those men, by virtue of their position, would be and remain trustees of the schools. He also altogether objected to the exclusion, by the 6th clause, of some of the schools from the operation and, consequently, from the benefits of the Act, and could not see on what principles such a provision had been adopted. The recommendation of the Select Committee did not at all justify such an alteration in the law, and

for his part, he would rather see the Bill lost than that such a provision should be sanctioned by the House. It would upset a principle which they had fought hard to establish, and he could not be a party to any retrograde movement on the subject, and for that reason he felt bound to move the rejection of the Bill.

**MR. LEATHAM\***: Mr. Speaker, in rising, Sir, to second the Motion of my hon. Friend, I think it fortunate that he placed this Notice upon the Paper, because it would have been highly inconvenient if a measure of this importance had passed through the principal stage without debate. My hon. Friend has stated his objections to the Bill, and, at this hour, I do not propose to follow him over the same ground. But the Bill is objectionable not only on account of what it contains, but on account of what it does not contain. I object to it because it makes no provision whatever for the regulation of the constitution of the Governing Bodies. Now, when my right hon. Friend the Vice President of the Council was moving the second reading of the Endowed Schools Bill, in 1869, he made use of words which it is scarcely an exaggeration to say were calculated to raise the hopes of half the nation. He reminded us that new ideas have power to-day, as in the time when England was waking up to take the foremost place in the march of Christian civilization.

"This new central idea," he said, "bringing with it many others—that no special class is to guide the destinies of England." "That England, for the future, is to be self-governed; all her citizens taking their share, not by class distinction, but by social worth."—[*3 Hansard*, ccxlv. 1382.]

And, in taking his stand upon those principles, my right hon. Friend was simply enforcing the spirit of that document which he held in his hand—for every word of which he considered himself responsible, and upon which, by the terms of the Preamble, his Bill was based—the unanimous Report of the Schools Inquiry Commission. Let hon. Gentlemen turn to the Report, and see how from one end to the other, it is pervaded by those new and generous ideas to which my right hon. Friend appealed.

"No skill in organization," say the Commissioners, (p. 640) "no careful adaptation of the means in hand to the best ends, can do as much

for education as the earnest co-operation of the people. The American schools appear to have no great excellence of method, nor a very well selected system of studies, nor any thorough inspection, nor any skilful gradation of the schools in relation to each other. But the schools are in the hands of the people, and from this fact they derive a force which seems to make up for all their deficiencies. The Scotch schools owe their success, in a great measure, to the same cause. And in Zurich the schools are absolutely in the hands of the people, and the complete success of the system must be largely ascribed to this cause. It is impossible to doubt that, in England also, superior management, if it were backed up by very hearty sympathy from the mass of the people, would often succeed better than much greater skill without such support." And, as though they thought that they had not laid sufficient stress upon this principle in the course of their recommendations, they return to it, evidently with the view of giving to it the utmost emphasis at the close.

"But the real force," say they, "by which the work is to be done must come from the people, and every arrangement which fosters the interest of the people in the schools, which teaches the people to look on the schools as their own, which encourages them to take a share in the management, will do at least as much service as the wisest advice and the most skilful administration."

It was from a profound conviction of the truth of these principles that the Commission desired to liberalize to the utmost the constitution of the provincial Boards, to which they proposed to entrust the duty of preparing schemes for the management of all the schools in their districts; and it was in the same spirit of fairness to all, and with the same determination of securing the co-operation of all, that they proceeded to lay down the rules by which, in their opinion, the constitution of Boards of Governors should be determined.

"It seems to us," they say, "that in a good school trust three elements should, if possible, be combined—the representation of the interests of the parents, of the interests of education, and of the past management of the school. The parents are most concerned in the welfare of the school, and in the success of all the arrangements; and, besides this, their lively interest is of great value, and ought to be encouraged in every way. But whilst they are the most deeply interested, and it is best that they should be encouraged to feel that interest, they are not always the best informed, and there should be some trustees appointed on the ground of their larger knowledge to represent education generally. Lastly, it is not good that the management of a school should be liable to sudden and great changes. There should be a continuity in its life, and this should be secured by admitting the method of co-optation, but only to a limited

extent." And in the next paragraph they add, "No trustees should be appointed for a longer period than five years."

I am aware that when the Government came to deal with the whole question by legislation they abandoned the provincial Boards altogether, and conferred upon others the powers which the Schools Inquiry Commission recommended should have been vested in them, thus sacrificing the first great guarantee for liberality in the schemes themselves; but, surely, they did not mean to sacrifice the free principles upon which that proposal was founded, surely they did not mean to abandon the idea that the real force by which the work of education was to be done must come from the people. On the contrary, it was with the view of giving free scope to those principles, and teaching the people, in the words of the Commission, to look upon the schools as their own, that this Act was framed. For what was its great leading reforming clause? Was it not this—

"(Clause 17) that in every scheme relating to any educational endowment, the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment."

This clause is the keystone of the whole arch. It enunciates a principle which, until this Act was passed, the Law Courts refused to recognize. The decisions of the Court of Chancery were all the other way. They absolutely excluded the whole population which did not belong to one particular creed from the management of public schools. This Act reversed that policy. It declared that henceforth there should be absolutely fair play for all, and favour for none. And if it can be shown that Governing Bodies, under this Act, are so constructed that they must bear a distinctly party complexion, or if they are so constructed as to give to one denomination an overwhelming preponderance of representation; still more, if they are so constructed as to render that party complexion and that denominational preponderance perpetual, one great object of the Act is defeated—one great principle of the Act violated, and that new central idea of my right hon. Friend ignored, upon which, unless he meant his peroration to be a masterpiece of

rhetorical flummery, his whole system of secondary education was to be based. No one knows better than my right hon. Friend the circumstances under which it was proposed to win back for these schools the confidence and co-operation of the entire community. Owing to a long train of events which the Founders could never have contemplated, a large portion of the population had become as completely estranged from these schools as if they spoke another language or belonged to another race. That was no fault of theirs. No one who believes in the principle of religious freedom, and who recalls the history of legislation in relation to Dissent, will dare to say so. "It is the pride and glory of these schools," says my right hon. Friend, "that they are public;" but the word is a misnomer, if it does not mean that the public, whatever may be their religious persuasion, are equally welcome and equally to be considered, and unless you can get over the jealousy and distrust with which Nonconformists have been too surely taught by the past to regard them as places of education for Nonconformist children. Let us see, then, how far the constitution of the new Governing Bodies is such as to remove this jealousy and distrust, how far it is such as to inspire a public belief in the absolute impartiality of the management in matters relating to religion. Sir, one of the witnesses examined by the Committee (Mr. Schnadhorst) had taken infinite pains to procure an exact analysis of the co-optative element in every published scheme. Eliminating all schemes in which the Governing Body was not dealt with, or under Section 19, or in which the Governing Body was elected directly the old trustees, he was able to obtain particulars of 85. He laid the results of his investigation before the Committee in a tabular form, and with a minuteness of detail which challenged, in every case, the most complete verification upon the spot. He found that out of 433 co-optative Governors 137 belonged to the party which sits on this side of the House, and 296 to that which sits upon the other, and that of these 433 co-optatives, 392 were Churchmen and 41 Dissenters. He found, further, that 81 clergymen had been appointed against 5 Dissenting ministers, that in 50 out of the 85 schemes, not a single Nonconformist was ap-

pointed a co-optative Governor, and that those 50 schemes embraced Wolverhampton, Halifax, Wigan, Walsall, Stafford, and Stourbridge, towns in which it is notorious to every one that Nonconformists of influence abound. Again, as regards the proportion which the co-optative element bears to the *ex officio* or representative elements in these schemes, this witness found that according to the published official Return made by the Commissioners to the Committee (marked No. 1 in the Appendix), in 28 schemes the co-optatives are permanently a majority of the whole, and in 85 they permanently exceed one-third. But if we analyze the schemes as they stand at present, and will for several years to come, this proportion will be largely exceeded, and this, notwithstanding the warning recommendation of the Schools Inquiry Commission, that the co-optative principle should be adopted only to a limited extent. But, Sir, this is not all. The other two elements, the *ex officio* and the representative, have been so handled by the Commissioners as to reflect the complexion of the co-optative element. Take, for example, the attempt of the Commissioners to make ecclesiastics *ex officio* members of these Governing Bodies, in the very teeth of the statute under which they sat, and of the indignant remonstrances of Dissenters. Sir, we had hoped that that question had been authoritatively set at rest, but, to our dismay, we find that my right hon. Friend has abandoned the position which he had taken up, and proposes, under this Bill, to make that lawful which the Act of 1869 disallowed. But even the representative element would seem to be insecure, for it was stated by one of the witnesses that—

"In very many instances every possible existing organized body has been used in order to vest the appointment of representative Governors in it rather than let them be appointed strictly by the people. Many Governors are elected by Members of Parliament for the county, by Bishops, by the vicar and churchwardens, by deans and chapters, by Boards of Guardians, by local Boards, and even by burial Boards."

Now, Sir, do not let it be said that in making these remarks I am taking sectarian ground. I am doing nothing of the kind; I am taking public ground. For, Sir, I contend that it is a preposterous thing, when we are dealing with schools which are not denominational, but public in the widest sense of the

term, that every denomination but one should be heavily handicapped in the legitimate competition for representation by the nomination of nine-tenths of the co-optative element from the Church, by the extension of the co-optative element so constituted to the utmost possible limit, by the introduction of clerical *ex officio* Governors, and by the substitution, wherever possible, of some more or less exclusive body for the popular constituency, even when you are pretending to represent the popular choice. Sir, I maintain that all that is at variance with the recommendations of the Schools Inquiry Commission, with the speech of my right hon. Friend, and with the spirit of the Act itself. What, then, is the defence of the Commissioners? In the Report presented to Parliament, they say—

"We have been told that in some of our schemes a preponderance has been given to one party, both in civil politics and in ecclesiastical politics. We do not know, and we do not propose to inquire."

"We do not know." Is this quite candid? Who are these co-optatives? With few exceptions, the old trustees. And who are the old trustees? With still fewer exceptions, members of the Church of England. Therefore, so far as the co-optative element went, the Commissioners did know, and there was no occasion for them to enquire—

"Our answer is," they proceed, "that each group of trustees has been chosen for the good of its own endowment, and with reference solely to the legal and educational considerations affecting that endowment, because they were in possession, because they previously had some patronage, because they were versed in scholastic affairs, because they are men of business, because their neighbours confide in them and wish to have their services."

But, Sir, in dealing with questions like public education, with reference to which every Churchman and every Dissenter is on the alert, you cannot afford to proceed upon the assumption that men are neither religionists nor politicians—you cannot afford to shut your eyes to the fact that English society, of every class, is penetrated through and through by antagonistic ideas in politics and religion, that the bias of that antagonism insensibly warps the judgment and impairs the impartiality of every one, that the belief in that bias and partiality is universal, and that your only safety, I might say, if we are to have justice—it

is enough for my purpose to say if we are to have a public belief in justice—is in absolute fair play, and I have shown that there is no fair play here. But the Commissioners themselves betray an immediate misgiving that their position in ignoring the religious and political sides of this question is unsound. The words are hardly out of their mouths when, with the strangest inconsistency they add—

"We do not pretend that political considerations can be excluded any more than any other parts of men's characters can be wholly excluded."

Then, why, in the name of justice, have they excluded them? "What we do contend is, that such considerations are minor and secondary ones." Sir, we do not live in a time when it is possible to treat these considerations as minor and secondary. I wish we did. The time may come when we shall, but not so long as in every parish in the kingdom we see, side by side, two distinct religious castes, one only of which has been so fortunate as to secure the smiles of the State. And do not let my right hon. Friend take refuge in the idea that, because these schools are undenominational, therefore you can have no regard to a man's religious belief when you appoint him either as a Commissioner, as an Assistant Commissioner, or as a co-optative Governor. People take their religious beliefs with them wherever they go, and with the best and purest intentions these beliefs determine their course of action, and the questions which come before the Governing Bodies of these schools are precisely those which excite to the utmost the irritability of people's beliefs—the whole religious teaching of the school, the appointment of masters, the election of scholars, the distribution of everything which the schools have to bestow. My right hon. Friend has brought into one focus everything which can excite religious jealousy to the utmost, and then, with a solemn face, he says—"I should be sorry to ask the religious belief of any man to whom I entrust the solution of questions like these." I cannot conceive a better illustration of the mischief which arises from this know-nothing policy than what has actually occurred. Here are three gentlemen of the highest possible character, but all Churchmen, some of them distinguished members, vice-presidents of the Church

Defence Association. This is accident No. 1. They are assisted by eight gentlemen, all of whom are members of the Church of England. This is accident No. 2. These Assistant Commissioners, the eyes and ears of the Commission, are instructed to place themselves in direct and intimate communication with the old trustees—that is, to derive their first impressions through the medium of their prejudices—and this at a moment when prejudice is most on the alert, when its privileges are threatened. The old trustees are almost all members of the Church of England. This is accident No. 3. And the natural and necessary consequence of this three-fold combination of Churchmen upon the back of Churchmen is accident No. 4—namely, that so far as the re-construction of our secondary schools has proceeded, that whole system has received a permanent Church twist, and almost every undenominational school a Church launch. But do not let me be misunderstood. I do not state that the Commissioners, the Assistant Commissioners, and the old trustees have wilfully conspired to defeat the intentions of the Legislature, and to bolster up a monopoly which this measure was intended to break through. What I do say is that, with the view of conciliating the old trustees, the Commissioners have made them virtually masters of the situation, and have left the party—in ecclesiastical and civil politics—to which they belong, as absolutely supreme over the teaching and control of these schools as ever it was, and this in districts which positively teem with Dissenters, where a Churchman is the exception, and where the children using the schools would naturally, in overwhelming majorities, be the children of Nonconformists. Have hon. Gentlemen taken the pains to run their eyes over the evidence from Wales, or the West Riding? Mr. Jones, Principal of the Independent College at Bala, a district in which he said that it would be a moderate statement to assert that Nonconformists were to Churchmen in the proportion of five to one, stated that in the Bala scheme there were to be 11 co-optatives at first, all holding office for life, nine of whom were Churchmen, against six representative Governors. Mr. Craven of Thornton, near Bradford, gave evidence that he was the only Nonconformist nominated by the Commiss-

sion, in a district in which Nonconformists numbered three-fourths of the population. Mr. Waddington, of Mirfield, also in the West Riding, said that the Mirfield Grammar School was a Nonconformist foundation, and that out of eight co-optatives only two are Nonconformists; but to show the feeling of the district, when a contest took place for the six representative seats, only one Churchman was returned as against five Nonconformists. And the evidence of this witness is peculiarly instructive, because he stated that if this injustice had not been done to the Nonconformists in placing so few of them upon the Governing Body by co-optation, this contest—which was of extreme severity—would probably not have arisen at all. The fact is, that by excluding a fair proportion of Nonconformists from the co-optative portion of the Governing Body in districts in which Nonconformists of influence abound, the Commissioners are raising, in the most objectionable form, and with every circumstance of acerbity, the very question which they profess to deprecate. And so at the very outset this blind, know-nothing policy of the Commissioners defeats itself, and the schools begin their new career in the midst of passion and discord, and with every element of failure implanted in their constitution. I call this policy a blind policy, for so it is; and it has been so blindly pursued that the Commissioners themselves are staggered when they are confronted with its results—for example, when Lord Lyttelton had stated that the co-optative element was always in a minority, and when, by a multitude of instances, I showed him that this was not so, he replied—"All I can say is, that I think any such case in my present view is a miscarriage (1466); I do not think that it is right." Yes, but the table of schemes is full of such miscarriages. And when I plied his Lordship with the Yorkshire schemes—districts which I need not remind the House are full of Dissenters—his reply always was—"Those are all Mr. Robinson's districts;" or, "That is in Yorkshire;" as though the fact of its being in Yorkshire, or under the eye of Canon Robinson, was enough to account for any enormity. But, Sir, perhaps I may be told that Nonconformists are themselves in some measure to blame for this state of things. Why did they meekly

*Mr. Leathem*

acquiesce? Why did they not memorialize the Commissioners? Why did they not memorialize the Committee of Council? Why did they not move this House to reject these schemes, one by one? What chance had we, at the fag end of the Session, with the Paper crowded with Business, of getting that calm and dispassionate consideration of details without which such a discussion would have been a farce? How can the House determine whether or not justice has been done, with nothing but *ex parte* evidence before it, with no power of cross-examination, and no local knowledge whatever? But why not memorialize the Committee of Council? Let the House consider what we must have asked the Committee of Council to have done. Under the Endowed Schools Act the Department has no power to modify schemes. It must accept the scheme in a lump, or reject it in a lump. We must, therefore, have asked it to pull up the wheat with the tares; to postpone all reform, perhaps for years and years, in schools, many of which were a reproach and a scandal to everyone who had anything to do with them. But why not appeal to the Commissioners? I reply that we did. [Mr. FORSTER said, that they did not.] My right hon. Friend says that we did not. Then, if we did not, it was because we knew that we had to deal with a body of men who, in all that relates to religion were in a hostile camp, and we declined to sue for common justice in the abject attitude of petitioning remonstrants. Sir, I will say no more. I thank the House for the patience with which, at this hour, they have listened to me. I had hoped that the deliberations of the Committee upstairs might have resulted in some attempt, if not to redress, at least to abate, a great and manifest injustice. With this view I prepared a paragraph, studiously so worded as to avoid anything which could be considered offensive, either to the Church or the Commissioners. The object of that paragraph, if it had been embodied in the Report of the Committee, was to caution the Commissioners against an excessive use of the co-optative principle. It was so fortunate as to obtain the assent of my right hon. Friend, and of every Liberal member of the Committee, except one, and that hon. Gentleman enjoys the distinction of being an Eccle-

siaistical Commissioner. By his casting vote, I may say, my paragraph was rejected. But, surely, when it received the almost unanimous support of his party, my right hon. Friend might have taken some notice of it in his Bill. He does nothing of the kind. On the contrary, all the changes which the Bill makes are in a direction which is the opposite of that in which we look; and yet, upon the recognition of the principles for which I contend, the success of your whole system of secondary education depends. For without it, that system can never take deep root in the confidence and support of the entire community. I have all along proceeded upon the assumption that these principles were intended to underlie the whole plan of the Government. If I am wrong, it is time that I should be undeceived. If, from the first, it was the intention of the Government to hand over the whole secondary education of the people in perpetuity to Church of England management, let them say so. Say at once that it was no part of your plan to give Nonconformists their fair place in the Governing Bodies of these schools. Say at once that you were never converts to the maxims and the central ideas of my right hon. Friend; but that, with the words of freedom and equality upon your lips, you were secretly resolved in this new and final re-construction to stereotype class distinction in its worst and most odious shape—the supremacy of a religious caste. But, if this was not the intention of my right hon. Friend, let him make such changes in this Bill as shall secure the practical adoption, not the virtual renunciation of the principles upon which the Act itself was based, so that if we vote with him to-night, we may have some assurance that we are indeed “making our past minister to our future”—our future strength, not our future strife.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(Mr. Dillwyn.)

Question proposed, “That the word ‘now’ stand part of the Question.”

MR. HEYGATE was sorry that the measure had come forward so late in the Session that it was impossible to do justice to it. Looking at the history of these endowments, he held that injustice

would have been done by ousting the Church of England from a principal share in their control and management, for he must remind the hon. Member for Swansea that nine-tenths of the endowed schools had been founded by its members, and the Act of 1869 was never intended to convey schools so founded away from the Church. The present Bill—small as was the modicum of justice which it gave to the Church—did, at all events, propose to remove some injustice, and therefore he could not support the Amendment which had been moved by the hon. Member. At the same time, unless some Amendments were introduced to make it more just to the Church, he should oppose it on the third reading.

MR. F. S. POWELL regretted that the discussion of that measure had taken a sectarian turn, in face of the fact that their simple object ought to be a reform in the educational system of this country. As a Member of the Select Committee which sat upon this subject, he believed that the intention of the Act passed some years ago was not to transfer the endowments of certain schools which had belonged to the Church of England, to other denominations, but rather to throw them open to all—a fact which would, he hoped, be kept well in view when discussing the question. He could not imagine a harder case than that of excluding the trustees who were members of the Church of England, who had done so much for the cause of education, and had in many cases framed schemes of a most liberal character. In Wigan they prepared a scheme which was universally approved of; but while the scheme itself was sanctioned, would it have been a just act if the trustees who framed it had been turned out of the Governing Body? It would be an evil day for these schools if trustees were chosen, not because they knew anything about education, but because they entertained particular political or religious views. He considered that it was necessary for the welfare of these schools that the Governing Bodies should not be obtained entirely by popular election; but that there should continue upon these Bodies a certain number of gentlemen elected by representation and by co-optation. The cases which the hon. Member opposite (Mr. Leatham) had cited from America did not apply to the

schools now under review, because they were not of the same class. The American schools which had been spoken of were elementary schools. In America the higher schools were in the hands of the people, and by no means in a good condition. There was an unfortunate downward tendency in America, which he hoped would never be found in England. He had trusted that in England the best men would have been chosen, irrespective of religious opinions or political creeds. He doubted whether in any country, schools of a high class were under the control of a popular vote. The Commissioners had, no doubt, committed many mistakes; but he represented a district wherein, more than in any other, they had framed schemes which were in operation. In that district they had brought many schools from a state of decay and utter uselessness to entire prosperity. He hoped, however, the Commissioners would have a greater regard for the old traditions and past history of schools, and concur more with the Governing Bodies. He admitted that some reform of the grammar schools was necessary, and believed the wisest course for the House to adopt was to continue the Commission, though under more restricted conditions.

MR. LOCKE said, he was glad to hear what had fallen from the last speaker, for great dissatisfaction had been caused by the manner in which the Commissioners had removed Governing Bodies and replaced them by others selected at haphazard. There were schools that had been endowed by persons, who were anxious that they should operate to the public benefit, and those schools had been carried out according to the rules which had been laid down by the Founders; and he thought that while the Commissioners endeavoured to improve them, where the Governing Body had acted properly with regard to schools which had existed for centuries, there ought not to be a hard-and-fast line laid down under which they must be removed, but if alteration were made by the Commissioners, that was no reason why the scheme adopted by them should not be carried out by the Governors who had hitherto done their duty, and therefore should continue to be appointed and the schools continued under the existing manage-

ment. He would like to know whether his right hon. Friend had introduced a clause into the Bill to remedy such conduct on the part of the Commissioners and to prevent the repetition of it in future. He should prefer that the Commissioners should never be heard of again; but, at all events, if the House was not prepared to do that, he hoped that a clause would be introduced into the Bill which would tie the hands of the Commissioners, so as to prevent them from doing any further mischief.

Mr. GOLDNEY said, that a provision which would, to a certain extent, meet the objection of the last speaker was already contained in the Bill. The scheme of the Bill was not obtaining the attention it deserved in the present discussion, the object of which, on each side, was apparently to grasp at the controlling powers of the schools. The most opposite views had been expressed as to the merits or the demerits of the Commissioners. What he wanted chiefly to point out was, that the larger endowments had suffered greatly from delay, and he thought that the Governing Bodies ought to be able to propound schemes before the Commissioners could bring their plans into operation. At the same time, the intention of the Founders, particularly in recent cases, ought to be properly respected. The right hon. Gentleman seemed to be doing all in his power for carrying out the objects proposed by the Act of 1869, but still something was needed to put an end to the delay and uncertainty which now existed, and which in the case of Christ's Hospital, whose endowments were open to the whole kingdom, represented about a third of the whole educational endowments of the country. He now desired to intimate that, unless the scheme prepared by the Committee of the Governors, four years ago, could be brought into speed, he should endeavour to have a clause inserted to enable the Government to go for a private Bill.

Mr. II. LINGWORTH complained of the vagueness of the present Act. The framers of the Act stated that it was intended for the purpose of extending the benefit of the endowed schools to all classes of the community, and he thought it would only have been ordinary precaution on the part of the Vice President of the Council to have seen that

the Commissioners were not all identified with one religious body. At least, one or other of them should have been a Dissenter. There had been a corresponding partiality in the nomination of the co-optative Governors, and the Act had been administered most unequally and unjustly. The scheme applied to the Bradford Grammar School was one of the most successful, because it was one of the most just—one of the few just schemes which the Commissioners had created. The Bill did nothing to mitigate the injustice complained of on the part of the Dissenters, and he preferred that the Commission should be suspended for a time, rather than it should be continued in its present mutilated form.

SIR CHARLES ADDERLEY said, he should like to know from the hon. Member for Knaresborough what Dissenter he contemplated when he said that one of the three Commissioners should be a Dissenter. Did he contemplate a Roman Catholic?

MR. W. E. FORSTER admitted that Christ's Hospital was by far one of the largest and most important endowments with which that Bill dealt, and he was in hopes that by means of negotiations between the Commissioners and the Governors of Christ's Hospital, they would arrive within a year at a scheme which might be presented to Parliament with the assent of both parties. As regarded the Amendment, the Endowed Schools Commissioners had been appointed by the Government because they believed that they were the best men that could be selected, and that they were well acquainted with the work upon which they were going to enter. As to the Governing Bodies, the Commissioners had appointed the co-optative Governors simply and solely from a belief that they would be the most likely men to carry on the government of the trust with satisfaction to those around them. He thought that had been proved from the fact that no objection had been offered to them in the districts where they were appointed to act. He expressed his regret that the hon. Member for Knaresborough should have accused the Commissioners of gross partiality, and maintained that though they might have committed a few mistakes, they had discharged their duties with strict impartiality. With regard to the Motion before the House, he confidently hoped,

having regard to the past labours in the cause of educational progress of his hon. Friend who brought it forward, that he would not now seek to check that progress by endeavouring to carry it. The measure which the Government desired to enact involved the slightest changes possible, and altered in a very small degree the powers of the Commissioners. He also believed that if the reform of these endowments were to continue, the proposed concession of *ex officio* Governors must be granted, as the House of Lords had taken a strong stand upon the point. Nor did he believe that the body of Nonconformists, and especially those who had had anything to do with the schemes brought into operation, would rejoice at the stoppage of the reform of these endowments on account of the concessions which the Government had found it necessary to make, and without which they should not have the slightest hope of continuing the reform.

MR. NEWDEGATE said, he had to complain that a Bill of such importance should have been brought on for discussion at so late an hour. He should vote in favour of the Amendment, and would give Notice that he would oppose the Bill at its next stage.

Question put.

The House divided:—Ayes 84; Noes 70: Majority 14.

Main Question put, and agreed to.

Bill read a second time, and committed for Thursday.

House adjourned at a quarter after Two o'clock.

#### HOUSE OF LORDS,

*Tuesday, 22nd July, 1873.*

MINUTES.] — *Sat First in Parliament* — The Earl of Chesterfield, after the death of his cousin.

PUBLIC BILLS—*Second Reading*—Medical Act Amendment (University of London)\* (214); Military Manoeuvres\* (216).

Committee—Petitions of Right (Ireland)\* (180-233).

Report—Elementary Education Provisional Order Confirmation (No. 1) (167).

Third Reading—Highland Schools (Scotland)\* (205), and passed.

*Mr. W. E. Forster*

ENDOWED SCHOOLS COMMISSIONERS  
—DENBIGH FREE GRAMMAR SCHOOL.  
HER MAJESTY'S ANSWER TO THE ADDRESS.

The Queen's Answer to the Address of Friday last reported, as follows—

“MY LORDS,

“I have received your Address, praying that I would refuse my assent to the Schemes of the Endowed Schools Commissioners for the management of the Free Grammar School and of the Blue Coat School Charity at Denbigh:

“I will withhold my assent from the Schemes in conformity with your desire.”

#### THE LATE BISHOP OF WINCHESTER AND THE LATE LORD WESTBURY.

EARL GRANVILLE: My Lords, I wish to ask your Lordships to excuse me in saying a few words before we proceed to the Orders of the Day. I find that there is a general and not unnatural feeling of surprise at more not having been expressed in this House yesterday on the subject of the great losses which the House had sustained since their meeting on the previous Friday. The noble Duke opposite (the Duke of Richmond), indeed, took advantage of the only opportunity which he had of expressing with judgment and good feeling what were his impressions on that occasion; and not only what were his feelings, but what were the feelings of every one of your Lordships. If there was any omission it was entirely mine. My excuse is one which your Lordships can easily understand—at all events, it was not compatible with any indifference on my part to the losses which we have sustained; but still it was difficult for an independent Member of the House to speak without my having, in the official position I hold, given him the lead in the matter. I do it now without the slightest idea of making anything like a funeral oration over these remarkable men. Their works, their lives, and their great abilities are known to your Lordships. We all know, with regard to Lord Westbury, that, though it was hardly appreciated as it deserved, his kindness of heart was remarkable; while with regard to the Bishop of Winchester, his genial disposition and urbane character made every person his devoted friend—even those who most differed from him.

I will only add this:—We are sometimes in this House, and sometimes out of it, apt to deprecate ourselves; but I think it remarkable that two such remarkable men should have been lost to this Assembly within 24 hours, and yet have left this House not entirely bare of those attributes for which they were distinguished.

**THE LORD CHANCELLOR:** My Lords, perhaps I may be permitted to add a few words to those which have been so well spoken by my noble Friend. I am not at all sure that any mode of expressing the feelings which we all entertain upon the occasion of these great losses could have been more significant than the silence yesterday of those who were not compelled to speak, and the deviation from the natural course of the business of the evening which it was impossible for the noble Duke to avoid. I am one of those who have had very many opportunities of knowing both the great men whom we have lost. Of the right rev. Prelate I will not trust myself to speak after what has been said, because I feel that I am in the presence of some, besides my noble Friend, who did not perhaps value or love him more, but who are better entitled to speak of his public character than I am. But with respect to Lord Westbury, I should be sorry to lose the opportunity of saying a very few words. I think he was a man of as brilliant natural powers as any man he has left behind him. He was also a man who, from his activity and industry in the application of those powers, had acquired a very great breadth of view with regard to the science of jurisprudence, to which his life was devoted. He had all the qualities of an eminent Judge. Personally, I have to say that from the earliest part of my professional career I was indebted to him for notice and kindness, when I was young and obscure, and when notice and kindness from such a person were most valuable. I was also indebted to him when he became Lord Chancellor for my first introduction to the public service; and I was indebted to him for uniform confidence and consideration during the whole time of our official connection. I was no unconcerned—I will not call myself spectator, as I was in some sense an actor—in the Parliamentary struggles connected with his retirement from office, and never had I the smallest doubt, for a

single moment, as to his personal purity or as to his freedom from anything inconsistent with high public and private honour, in regard to those transactions as to which he was thought by some to have failed in vigilance. No doubt or misgiving of the kind ever crossed my mind; and I could not but feel pained —more than I have ever yet up to this moment been able to express—that it was considered necessary to visit him with censure, which, so far as any public ground for it was then brought forward, was due, in my judgment, not to him but to others. Since that time he has performed in a dignified and most useful manner, his part in the judicial and other proceedings of your Lordships' House; nor did he ever show any feeling of resentment against those who had thought it their duty to oppose him. During the whole of this Session I have deeply lamented the absence of that assistance which he could have given to your Lordships' deliberations with regard to the great measure relating to our judicature, which has passed through your Lordships' House. I regretted his absence the more, because I had reason to believe that there were some points of importance on which his opinion was not entirely the same as my own. He was frank and kind in his communications with me; and his views, I need not say, were carefully considered; but his absence from your Lordships' House, especially with regard to the discussions on that Bill, was a great public loss; and the fact that we shall never again have that assistance will, I am sure, be most deeply regretted by all of your Lordships as well as by myself.

**THE ARCHBISHOP OF CANTERBURY:** I am anxious, my Lords, to express my thanks and those of the right rev. Bench to my noble Friend on the Treasury bench for having recurred to this subject. As regards the noble and learned Lord (Lord Westbury) it is a circumstance which I cannot forget, that I believe I was the last of your Lordships who saw him and had a conversation with him between the last two meetings of your Lordships' House, and I can bear witness that his intellect was then quite as clear in the prospect of approaching death as when he last addressed your Lordships. With regard to the right rev. Prelate, I can well

understand that my noble Friend should have found it impossible yesterday to address your Lordships, fresh as he then was from the scene of a great calamity—if we may call it a calamity for a man to be summoned away in the midst of his vigour in obedience to a voice which he had long expected, not unprepared, but ready for the summons. My Lords, I have known the right rev. Prelate for upwards of 30 years. I received from him long before I was a Bishop many marks of kindness, and for 17 years I have seen him almost daily in the discharge of our respective duties. It has been my misfortune to differ from him often, but I never knew an occasion on which his kindness of heart did not overcome any difference which might have arisen from a divergence of opinion. I ask myself, what is the mark the right rev. Prelate will leave upon the Church and the people of England? —for I cannot doubt that one who filled so conspicuous a place in the public estimation, and who was seen and heard everywhere with pleasure and advantage, must leave a lasting mark behind him. He was not, indeed, the writer of a great work, nor, as far as I believe, was he the founder of any great school of thought; but he did set before the Church, of which he was an ornament, and the people of England the example of a life devoted to duty in its lowest and its highest phases. He was as ready to befriend the curate, whom no one knew but himself, as he was to place his services at the disposal of your Lordships, or of his Sovereign. No man could discharge such duties as he fulfilled in this spirit without leaving a lasting mark behind him. I believe I am only speaking the sentiments of my most rev. Brethren when I say that there is not one of us who does not feel that we owe to him a debt that we can never estimate fully in the example he has set us by his untiring energy. Many Bishops before him strove earnestly to perform their duty; but I believe that they, if living, would be as ready as myself to say that no one ever laboured so emphatically, or left behind him such an example of untiring industry in every department of work he undertook. It was this, my Lords, that gave him his surpassing influence. It was not merely an aptitude for business, and a devotion to the details of business, such as no

man, perhaps, but himself in this generation ever showed, but it was that kindly sympathy with which he entered into the feelings of others—that readiness never to spare himself if he could do an act of kindness—which made him ever welcome wherever he showed himself. I am sure that, publicly and privately, all the people of this country will, for many a day to come, lament the misfortune which has deprived us of his presence and his services—though we cannot regret his departure for his own sake.

THE EARL OF CARNARVON, who was very imperfectly heard, was understood to say that he trusted many years of friendship with the late Bishop would be his justification for saying a few words. If there was one striking quality which more than another distinguished the character of the late Bishop, it was his power of gaining the hearts of all with whom he came in contact, of keeping away from extremes, and holding an even balance between contending parties. He had never known a man more capable of inspiring affection. He was, no doubt, one of the olden school which was passing away in this country—a scholar, a gentleman, a statesman, and a Churchman; but, above all, he was a steady and consistent friend, full and overflowing with kindness and affection. He was ever ready to uphold his opinions, but he was incapable of the slightest particle of jealousy. There were men on both sides who might have thought that he went too far on some occasions; but there were none who doubted the sincerity of his convictions, and his justice of conduct in his high office, in which he acted with as much even-handedness as imperfect human nature would allow. And, certainly, in private life, those who knew the history of himself and his family knew how at different periods of that life a severe strain was put upon him, and how manfully and steadily that pressure was borne. He believed that there was not a man who worked harder or more zealously, or who more laid on every power and effort of his mind for his work, than he did. In society the right rev. Prelate shone and sparkled beyond anyone he had ever known. And although his connection with the diocese of Winchester was brief, he had left in hundreds of places within that diocese marks of his justice and

discretion; and of the vigour of his administration.

**LORD CAIRNS:** My Lords, if all among your Lordships who have been impressed by the lustre of the eloquence, the splendour of the talents, the unrivalled exertions, the energy in the discharge of public functions, displayed by the late right rev. Prelate were to rise in succession to bear their testimony to what he was, everyone of those whom I have now the honour of addressing would, in his turn, become a speaker. I rise, my Lords, to add a word to what has been said with regard to my late lamented Friend (Lord Westbury.) Those who, like myself, have had the opportunity of seeing him from day to day during the last few months, and witnessing the gravity of his illness and the extent of the suffering under which he laboured, could not but be apprehensive of the sad event which we all now deplore. My acquaintance with Lord Westbury is of something like 30 years' standing. I recollect when I, yet a young man, entered the profession of the law, Lord Westbury was in the full blaze of his career at the Bar, and I remember — as my noble and learned Friend on the Woolsack does — the kindness I received from him then, when kindness was most valuable. I remember with gratitude and gladness the unvarying manner in which that kindness was ever after extended to me. I say this because in the contemplation of the great talents of Lord Westbury, remembering the splendour of his judicial career, recollecting the power which he brought to bear in the performance of his duties as a Judge, and remarking, also, on those proofs of intellect which all of your Lordships must have noticed, we are apt to depreciate what I, at least, dwell upon with greater pleasure — namely, the goodness of heart which lay below those more splendid and attractive qualities — a goodness of heart which I am glad my noble and learned Friend on the Woolsack has alluded to in terms which I gladly endorse. I could not, on this melancholy occasion, say less in reference to the loss of one with whom I have been for so many years in the closest contact and intimacy.

**LORD HATHERLEY:** My Lords, as one who was often subjected to considerable criticism in this House, on the part of Lord Westbury, I am sincerely

glad to bear my testimony in addition to that of my noble and learned Friends to his kindness of heart. He evinced extreme kindness towards myself during my occupancy of the Woolsack, and I think it only due to his memory to say that in the course of those inquiries which led to his retirement from office I never understood that there was any stain upon his personal honour. Whatever want of diligence there might have been on his part in reference to transactions in which other persons were concerned, that was not, in my judgment, nor in that of others, any reason for imputing a want of personal honour to Lord Westbury himself.

**THE EARL OF FEVERSHAM** was understood to suggest a public funeral for the late Bishop of Winchester in Westminster Abbey.

ELEMENTARY EDUCATION PROVISIONAL ORDER CONFIRMATION (No. 1)

BILL—(No. 167.)

(*The Lord President*).

REPORT OF AMENDMENTS.

Amendments reported (according to Order.)

Clause 1 (Confirmation of Order).

**EARL BEAUCHAMP** rose to move an Amendment the effect of which would be to postpone the operation of the Act until the 1st January 1874. The noble Earl said that the Provisional Order which the Bill sought to confirm conferred upon the London School Board authority to put in force the powers of the Land Clauses Consolidation Act of 1845, for the purpose of compulsory acquisition of land which they had been unable to purchase by agreement — his object in proposing the postponement being that there would be an election of the School Board in the meanwhile. The outlay which would be involved by the Bill was very considerable, was not necessary, and could not be justified under the circumstances of the case, and was altogether out of proportion to the funds derived from the rates of the metropolitan school district. He regretted that the rates did not possess so stern a guardian as the Consolidated Fund had in the person of the Chancellor of the Exchequer. He was in favour of the extension of education, and had brought forward his Motion in the belief that the undertaking of an extravagant and un-

necessary expenditure would produce a reaction in the minds of the ratepayers which could only result in injury to the cause of education. They had to consider the nature of the education to be given to the children and the amount of accommodation that already existed. As to the former, the London School Board, instead of putting in force the powers conferred upon them by the Elementary Education Act, and making use of the vacant accommodation in the existing schools as far as their compulsory powers were concerned, had adopted another and altogether different course, and divided themselves into committees for the purpose of dealing with the various branches of education to be taught in the elementary schools. It had been gravely proposed by the London School Board that Latin and French should be subjects of instruction in the elementary schools. Parliament surely did not pass the Elementary Education Act with any such purpose, and if such a proposal had then been made it would not have found favour. Then as to the existing accommodation, he believed the statements that had been put forth as to the deficiency in this respect were entirely without foundation. The Statistical Committee of the London School Board, in estimating the existing educational destitution within the metropolitan area, stated that school accommodation would be required in round numbers for 100,000 children. This report was prepared by a Statistical Committee of 16 members, and took a year in preparation. It did not appear how many members of the committee attended the meetings, or assisted in the preparation of these statistics; but the report itself was presented to the Board on one day and passed, he believed, without discussion. Now, it could not be satisfactory to the ratepayers that they should be called upon to pay large sums upon the strength of a report which had been so little discussed, and he thought they had a right to complain of their representatives for adopting a mass of figures without testing the accuracy of the principles upon which they were based. According to the very able and clear explanations of the secretary, Mr. Croad, the metropolis had been divided into enumerated districts, the total number of children between the ages of 3 and 13 had been ascertained, and various deductions had

then been made from this total. Now, everything depended upon the propriety of these deductions. The conclusion of the committee was that the total number of children for whom elementary school accommodation should be provided was 454,783, and the existing efficient school accommodation was 330,000. There was, therefore, an apparent deficiency of accommodation for between 150,000 and 200,000 children. But he regarded the estimate as an exaggerated one. The Bishop of London had instituted an inquiry into the subject, and the result reduced the deficiency to 130,000. Thus the School Board assumed that a majority of the children who were being educated at a cost of between 6d. and 9d. a-week were children for whom elementary education should be provided at the expense of the ratepayers. But surely close inquiry was necessary into the character of the schools and all the circumstances of the case before such an assumption could fairly be made. Another question arose out of the deduction made in respect of children between three and five years old, to whom the compulsory powers of the Board did not apply. The parents were asked to state, in printed papers left with them, whether their children were too young to attend the schools or not; and where the paper was not filled up it was assumed that the children were capable of going to school, and that the full accommodation ought to be provided for them. This was a very gratuitous assumption, and he maintained that a considerable further reduction should be made under this head. The London School Board, he thought, had committed a gross error with reference to the school accommodation which should be provided in the metropolis under the Education Act. According to the admission of Mr. Croad, the able and intelligent representative of the views of the London School Board, they proposed to provide accommodation for nearly 50,000 children in excess of what the requirements really were. But it was said that compulsion would bring a very much larger number of children to school than had hitherto attended. He did not think it could be shown that any great increase of attendance could be obtained in the metropolis by means of compulsion. The better class of children were now receiving, speaking

broadly, an efficient education. It was in respect of the children of the lowest classes of the metropolis that education was in an inefficient state; but those classes were migratory. They were in the habit of changing their residence every six months, if not oftener. If there were these obstacles in the way of applying compulsion, it was obvious that compulsion could not be expected to increase largely the attendance at school. He very much regretted that on this occasion their Lordships would not have the great benefit of the advice of the Bishop of Winchester, whose death they all deplored. That Prelate was a Member of the Committee to whom this Bill was referred, and he took the greatest interest in it, as he did in all questions affecting his diocese. He applied his mind very seriously to the discussion, and he (Earl Beauchamp) thought he brought out very clearly the effect of compulsion as bearing on a migratory population. He (Earl Beauchamp) denied that the Education Act of 1870 was intended to introduce a new system. It was intended to adopt a system already existing, and to supplement the deficiencies of that system. He maintained that the London School Board were pursuing a policy which must have the effect of seriously crippling voluntary schools. The voluntary assistance of persons of a higher station of life in supervising the schools had been of enormous advantage, and if the London School Board, hurried on by those who were in favour of efficiency regardless of cost, were to supplant voluntary supervision by paid supervision, they would entail an enormous expense upon the ratepayers. Moreover, the employment of paid functionaries must be very expensive. In his opinion, the cost of compulsion was out of all proportion to the value of the work done, and the course which the London School Board were pursuing would in the end deal a fatal blow at the cause of education by making the ratepayers cry out against it. Holding these views, he begged to move, in Clause 1, the omission of the words "after the passing of this Act," in order to insert, "the 1st of January, 1874."

Amendment moved, in Clause 1, to omit ("after the passing of this Act") and insert ("the first of January, 1874.")  
—(The Earl Beauchamp.)

LORD LAWRENCE said, he believed the practical effect of the Amendment would be to put an end altogether to the good already done. [The noble Lord proceeded to defend the course which had been taken by the London School Board, and quoted statistics showing the proportion of children not attending schools, in justification of the efforts of the Board to increase the amount of school accommodation.] Were the Amendment adopted and the action of the present Board suspended, the next Board would have to incur a much larger expenditure; for experience had shown that the moment it was known that any site was likely to be required for a school, the price considerably increased. In more than half the cases the Board had already purchased the interest in the sites, and Parliament was simply asked to remove difficulties as to title. No doubt, there would always be a large amount of absenteeism; but as the compulsory by-laws were enforced, the difference between the number on the rolls and the average attendance would become smaller and smaller. Mr. Croad's candid admission that something like 5 per cent would not represent the probable absenteeism was quite correct at the time the answer was given, when the schools were only beginning to get into work, but the state of things was very different now. Till the other day the Board had not a single new school, but only the schools taken over, and the many rooms hired; and, while bound to supply the deficiency in school accommodation, they had only asked the sanction of the Department for four-fifths of the amount which after careful consideration had appeared necessary. Every precaution was taken by the Board to avoid providing more school accommodation than was absolutely required in any particular district, and that full allowance should be made in every instance for the accommodation afforded by existing schools. He moreover denied that the action of the Board had done any injury to the Church of England schools. As to the question of voluntarism, on which the noble Earl had laid so much stress, he was prepared to show that while the Board schools had been increasing in numbers the voluntary schools had increased in a still greater ratio. With regard to compulsory attendance, no doubt it was

difficult to carry out their by-law on that subject, but without some such system they could not get the children into the schools. Their Lordships must bear in mind that the children with whom they had to deal were the roughest and most unmanageable it was possible to conceive, and it required the greatest tact to carry out the compulsory powers; but he believed that the increased attendance which could fairly be put down as due to the operation of the compulsory by-law was no less than 55,000 children. He denied that the Board could be justly charged with extravagance in over-building; they had to provide a certain amount of accommodation, and that accommodation they had sought to provide at the lowest possible cost. Among the members of the Board were many men of business, who devoted much of their valuable time to the performance of their duties, with much advantage to the public. He trusted that their Lordships would not agree to the Amendment.

THE MARQUESS OF SALISBURY said, that the controversy as to the Lambeth statistics was attributable to Canon Gregory having taken the Privy Council estimate that one in six of the population required education, and that 33 out of every 1,000 children were of a class not likely to attend National or Board schools; while the London School Board relied on the judgment of their enumerators as to the children of the excepted class. Even if the enumerators were right, one in six—if the average for the kingdom—would eventually be the average for Lambeth, and it would be extravagant for the Board to build on the basis of an exceptional state of things. The Board, moreover, appeared to set aside ecclesiastical divisions; and Mr. Gregory's best school being in a projecting portion of his parish, they had reckoned it in another district, and could thus say that he had not furnished sufficient accommodation. It was easy by this "jerry-mandering," or manipulation of boundaries, to get statistics to any desired effect—though he did not suggest that the noble Lord (Lord Lawrence) had had any such idea, for nothing could be more honourable than his intentions, and those doubtless of the great mass of the parties concerned. The committee's report was hastily drawn up and adopted, and in a case where an earnest theo-

logical feeling existed, so that men would be biased by approval or disapproval of religious education, the return could not be implicitly accepted. It seemed to him that the Board had been building for an exceptional state of things—and that was extravagance—their real course should have been to take a state of things that was likely to endure, rather than to calculate on exceptionally high numbers that could not be maintained. He imputed no *mala fides* to the Board; but, as a matter of fact, they had a passion for building, and would adopt any excuse for indulging it—such as the necessities of adjoining districts; the supposed inability of London children to cross public thoroughfares; and, lastly, their hopes for the future. According to the Education Department, the absenteeism was 20 or 25 per cent, and though possibly the expectation of the Board, as to a considerable diminution, might be realized, it would be wise to wait and see. The noble Lord seemed to treat 2d. in the pound with contempt; but he doubted whether, if the Board inscribed that figure on their banners, they would be sure of re-election. If the Board went on invading districts, and impressed on the clergy that the educational efforts to which they had devoted a life-time were of no avail, the co-operation of the latter would be lost, without which co-operation the Board could not cheaply accomplish its work. If the Board allowed the secularists among them, if there were any such—or, as he rather believed, their surveyors, architects, and engineers—to stimulate them to an unnecessary outlay, the expense in each case might be small and the impression on the rates slight, but the discouragement inflicted on those who had given their lives to education would gradually drive them from the field, leaving the Board to occupy it alone, and impose an enormous burden on the ratepayers in the end. The Vice President of the Committee of Council on Education had calculated that the burden of supporting schools in London would be 3d. in the pound; but experience had shown this to be too low an estimate, and he had no doubt that the cost to the ratepayers would fall little, if anything, short of 6d. in the pound, if the policy of discouraging individual effort, despising ecclesiastical boundaries, and hurting the feelings of

those who had devoted their lives to the cause of education was persisted in. Under existing circumstances, however, he did not think it would be advisable to press the Motion before the House to a division, or to impose their views upon the London School Board. The gentlemen composing that Board would soon be before their constituents, and he hoped they would be able to show sufficient grounds for the course they had pursued. When he postponed the debate on this Bill last Thursday, he little thought by so doing he was taking a step which would deprive him of the assistance of the right rev. Prelate (the Bishop of Winchester) whose loss they all deplored—a Prelate who was one of the best advocates the Church of England had ever known. In conclusion, he warned the School Board against a policy of disregarding the feelings of those who cultivated the education field before there were school boards to till it, and who had, in fact, borne the heat and burden of the day.

THE DUKE OF CLEVELAND said, the Committee which inquired into this subject obtained the best evidence they could, and came to the conclusion that it would be impossible to construct a good system of school-board districts in London unless, in fixing the boundaries, they acted independently of the existing parochial districts. It was true that in taking this some children would be taken from the schools within their parishes and sent to the schools of the neighbouring district; and in this respect an injustice had been done to Canon Gregory. His school happened to be placed near the extremity of his parish, and the result was that a portion only of the children of the parish attended that school, and he had to take others from adjoining parishes. But, upon the whole, he believed the plan worked satisfactorily. The great object of the Education Act seemed to him to be the bringing of all children to the schools, and he had no doubt that with the inevitable increase of the population the schools now proposed to be erected would be filled. He thought it was impossible to accuse the London School Board of being too precipitate. They were supposed, on the contrary, to be too slow. At all events, seeing how little had been done, nothing like undue haste could be imputed to them. In

the course of the investigation of the Committee, he was astonished at the amount of education which had been furnished by voluntary means, and he should be sorry to see these efforts paralyzed or in any way thwarted. But there was no evidence to show that such a result was contemplated by the School Board. Many clergymen of the Established Church were on the Board, and they were not likely to lend themselves to any attempt to destroy schools founded by voluntary exertion. It must be remembered, however, that the Act was imperative upon them. They were called upon to provide, within the metropolitan area, for all children who were capable of receiving elementary education, and for whom no accommodation now existed. The question was whether, in carrying out the Act, there had been any violation of its principle, or any steps taken which were not justified by the circumstances of the case. In his opinion, there was no evidence to justify such a charge, and he thought that the case of his noble Friend had entirely broken down. In conclusion, he must express the deep feeling of sorrow with which he had learnt the death of the right rev. Prelate, with whom he had so recently served upon the Committee, sitting with him there day by day. It so happened that his acquaintance with the right rev. Prelate dated from a more distant date, probably, than any of their Lordships. He had been in constant intercourse with him, and, without dwelling on those public qualities which were patent to the world, he must be permitted to bear testimony to his sterling worth in private life.

THE EARL OF HARROWBY thought the evidence brought before the Committee proved that the charge against the London School Board that they had rashly endeavoured to cover London with schools where schools were not wanting, was not well founded. They seemed to him to have taken great pains to ascertain what was really required with reference to school accommodation. He did not mean to say that an error here and there might not have been committed; but no evidence whatever was brought before the Committee to show that they had acted on a principle which disregarded the existence of voluntary schools.

VISCOUNT EVERSLAY, as far as he

could judge, thought the conduct of the School Board was free from all blame, and that they deserved the thanks of the public.

On Question? *Resolved* in the Negative; and Bill to be read 3<sup>d</sup> on Thursday next.

**LANDLORD AND TENANT (IRELAND) ACT, 1870.**

**MOTION FOR PAPERS.**

THE EARL OF LEITRIM moved, that there be laid before this House—

1. Copy of the decree and reversal granted by Mr. Justice Lawson at Dublin on the 3d day of March 1873 in respect to the claims made by Michael Friel of Ballymichael in the county of Donegal, claimant, v. The Earl of Leitrim, respondent, under the Landlord and Tenant (Ireland) Act, 1870; showing the amount awarded, the costs of the decree, and the costs of the reversal:

Also copy of the costs as taxed by the clerk of the peace under the direction of the judge according to the order of the judges of the Court of Land Cases Reserved, and dated the 1st day of June 1872:

2. Copy of the dismiss of the chairman of quarter sessions in the county of Monaghan to the claims of James Creaghan v. The Earl of Dartrey, under the provisions of the Landlord and Tenant (Ireland) Act, 1870; and the affirmation, with costs, granted by Mr. Justice Lawson to the above decree at the late assizes for the county of Monaghan, and the judgment of the judge on the granting of that affirmation:

Also copy of all entries in the book of the clerk of the peace for the county of Monaghan as to the case of the claims of the said James Creaghan v. The Earl of Dartrey:

And copy of the taxation of costs under the rules of the judges of the Court of Land Cases Reserved.

The noble Earl explained at great length the nature of the causes to which these Papers referred, complaining that not only was the Irish Land Act of 1870 a most dangerous measure in a political sense, but that it had been interpreted and enforced by the Judges in a way greatly to increase its injustice.

LORD O'HAGAN, on behalf of the Government, said, there was no objection to the production of the Papers moved for.

*Motion agreed to.*

THE EARL OF LEITRIM then moved for—

Return of the Land Cases decided in each county from the 27th day of February 1872 to the 12th day of July 1873; showing the amount

*Viscount Eversley*

of rent in each case and the tenement valuation of the premises, the sums awarded as compensation and as costs in each case by the chairman of quarter sessions, the cases in which appeals have been carried up to the judge or judges of assize, the judgment in each case and the costs, the cases which have been remitted by the judge or judges of assize to the Court of Land Cases Reserved, the judgment of that court and the costs: [Tabular Form].

*Motion agreed to.*

**IRISH CHURCH TEMPORALITIES COMMISSION.—QUESTION.**

THE EARL OF LEITRIM asked Her Majesty's Government, What is the cause of the delay which takes place in the office of the "Irish Church Temporalities Commission," at Dublin, in granting the "Merging Orders" to relieve the estates of those persons who have paid their money for the purpose of purchasing the tithes in certain parishes in Ireland to relieve their estates therefrom, under the provisions of the Act for the Disestablishment of the United Church of England and Ireland in Ireland; and to know why the "Merging Orders" have been withheld for several months; and, if measures will be taken to remove the inconvenience caused by the delay complained of?

THE MARQUESS OF LANSDOWNE said, he had been in communication with the Irish Government, and had received a telegram from them, stating that no delay occurred in granting those Merging Orders beyond what resulted from the pressure of business in the Solicitor's office, and that the noble Earl's own Merging Order was issued on the 21st of the present month.

THE EARL OF LEITRIM said, he had never received it.

**CONSTABULARY (IRELAND)—SUB-CONSTABLE JOHN HOWE.**

**MOTION FOR PAPERS.**

THE EARL OF LEITRIM moved, that there be laid before this House—

Copy of the report made by sub-constable John Howe, dated Ballycumber, the 26th of March 1873, or thereabouts, relative to the alleged cruelty to a horse near Ballycumber in the King's County, Ireland: [and other Papers].

THE MARQUESS OF LANSDOWNE said, the Reports in question were of a confidential nature, and he could not consent to their production.

On Question, *Resolved* in the *Negative.*

House adjourned at Eleven o'clock to Thursday next: Eleven o'clock.

HOUSE OF COMMONS,

*Tuesday, 22nd July, 1873.*

**MINUTES.] — PUBLIC BILLS — Resolution reported — Ordered — First Reading — Constabulary Force (Ireland) \* [257].**

**Ordered — First Reading — Defence Acts Amendment \* [255]; Local Rates and Taxes (Scotland) \* [256].**

**Second Reading — Slave Trade (East African Courts) \* [236]; Slave Trade (Consolidation) \* [249]; Langbaugh Coroners \* [242]; Statute Law Revision \* [240].**

**Committee — Report — Elementary Education Act (1870) Amendment, &c. (re-comm.) [245]; Penalties (Ireland) \* [239].**

**Considered as amended — Ecclesiastical Commissioners \* [235]; Extradition Act (1870) Amendment \* [220].**

**Third Reading — Supreme Court of Judicature [237], and passed.**

**Withdrawn — Municipal Corporation (Borough Funds) \* [186].**

The House met at Two of the clock.

**ELEMENTARY EDUCATION ACT (1870)**

**AMENDMENT &c. (re-committed) BILL.**

(*Mr. William Edward Forster, Mr. Secretary  
Bras.*)

[BILL 245.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." — (*Mr. W. E. Forster.*)

MR. DIXON rose to move the Amendment of which he had given Notice —

"That, in the opinion of this House, no Amendment of the Education Act will be satisfactory which does not make the attendance of children at school and the formation of School Boards compulsory throughout England and Wales, and which fails to remove the objections entertained to the principles embodied in the twenty-fifth Section of the Act."

His desire was not to raise a prolonged debate, for which he thought the present time was not favourable, but to give the House the opportunity of dividing on the question. He had twice during the Session attempted to introduce Resolu-

tions on the subject, but he had failed to do so in consequence of the Government standing in the way; and on Thursday last, when his right hon. Friend the Vice President of the Privy Council moved the second reading of this Bill, he was precluded from moving this Amendment. It might be said it was inconvenient to bring forward a Resolution containing a series of three propositions, as some hon. Members might be disposed to support one or two, but not the whole three; but he would take care to afford an opportunity for voting upon each one separately in Committee. He was told it was another objection to his Resolution that it would be fatal to a Bill which had been accepted by a large majority of the House. But that need not be the case, although, even if it were considered fatal to the Bill, he could not say that he should, under the circumstances, feel at all dissatisfied; because the meaning of such a vote would be that the House had pledged itself to give effect to the principles contained in his Resolution. On Thursday night the indulgence of the House had enabled him to make some remarks on the great importance of immediately passing a compulsory law, and also to advocate the opinion that school boards were the best machinery for carrying out such compulsion. It was quite true, as stated by the Vice President of the Council, that when there was no national system of education, and no immediate expectation of one being adopted, he had held the opinion that the money of the ratepayers might be advantageously used for the purpose of educating pauper children. But since that time the position of the question had been entirely altered. The country was much more prepared than he had then anticipated for the adoption of a national system of education; and under that system schools were provided which approached much more nearly, if not entirely, to what he considered was the proper type of National Schools. He very naturally, therefore, preferred what he had always advocated — namely, an extension of the national system of education. What he wished to see was all the new forces which had come into existence under the Act of 1870 and the Amendments to that Act brought to bear on the new and improved system of elementary education. There were a large number of persons who

attributed to pique the part which he and those who agreed with him took in this matter, and to strictures of that kind they were prepared to submit. But he hoped his right hon. Friend understood that there was no inconsistency in their position. He said on Thursday night that as he could not have his own way, and nevertheless desired to see education extended, the only alternative before him was to cease to oppose this measure of his right hon. Friend for the extension of education. He was therefore prepared to see the plans of his right hon. Friend carried out, without taking upon himself the responsibility of sanctioning them. The hon. Gentleman concluded by moving the Amendment.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no Amendment of the Education Act will be satisfactory which does not make the attendance of children at school and the formation of School Boards compulsory throughout England and Wales, and which fails to remove the objections entertained to the principles embodied in the twenty-fifth section of the Act,"—(Mr. Dixon,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. STAPLETON supported the Amendment, remarking that the Bill violated the essential principles of the Poor Law. He would have been very much astonished that it should receive the support of the hon. Member for Brighton (Mr. Fawcett), only he was prepared to make allowance for the aberrations of a philosopher. It was said that  $2\frac{1}{4}$ d. a-week was a very small sum to pay for children; but he knew many districts in which children paid only 1d. a-week. As the Bill stood, there was no provision made for the children of the poor who were not paupers. He could not but think it most demoralizing that we should say to the poor struggling ratepayer—"You must pay for the education of your own child, and the children of your neighbour, the pauper, who is vicious and idle, will also go to school at your expense."

MR. VERNON HARCOURT said, he wished to state on what points he differed from the hon. Member for Birmingham (Mr. Dixon), and where he

agreed with him. He (Mr. Harcourt) had never been a violent compulsionist. The doctrine of compulsion had not found favour with the people of this country. Even for the greatest public objects, such as that of national defence, the English people had never been willing to accept the doctrine of compulsory service. He would not, therefore, attempt to force compulsion upon the country, seeing it was not ripe for it. He, for one, would be very glad when all the children would be found attending school; but if he might use an Hibernian expression, he would say that compulsion would never succeed in this country until it was voluntarily adopted; or, in other words, you could never enforce compulsion by statute until public opinion was ripe for its enforcement. He wished that the hon. Member for Birmingham had confined his Amendment to the simple repeal of the 25th clause. His desire was that the repeal of that clause should not, as far as argument was concerned, be allowed to sink into the quagmire of sectarian controversy, but should be argued solely upon economical grounds. He was at first very much inclined to the doctrine of absolutely free education; but upon further reflection he had seen the danger of it. However, as between free education and the education to be given to paupers alone, he held that there ought to be no middle term. Provision had been made for the payment of the fees of pauper children, to be attended by the consequences of Poor Law relief. This applied to paupers alone, and so far he agreed with the Bill. There was, however, a provision in the Bill originally that the Guardians should be allowed to pay the fees for persons who were to be semi-paupers and to receive this relief from the poor rate without the consequences of Poor Law relief; but there was so general an expression of opinion against that clause that the right hon. Gentleman was compelled to withdraw it. In his judgment, the proper course for the House now to adopt would be to repeal the 25th and also the 17th section of the Act. The principle upon which these clauses were founded would, if they were brought into considerable use, break down the whole system of our Poor Law. The provision made for the pauper population in the 3rd clause was, he conceived,

*Mr. Dixon*

the only provision that ought to be made in that respect out of the poor rate; and, that being so, both the 17th and the 25th sections of the Act ought to be repealed. Under the Scotch Education Act of last Session the payment of school fees was followed by the consequences of Poor Law relief. It was just as important and as humane to give aid to the sick, to clothe the naked, and to feed the hungry as it was to educate the children of the poor; but, nevertheless, we did not give to hospitals and clothing clubs powers analogous to those conferred by the 17th and 25th clauses of the Education Act. Indeed, if we introduced principles of that character there would be no end to the consequences, and the country would be flooded by an irresistible flood of pauperism. He was aware the Birmingham League were anxious to abolish the 25th section; but he had heard of no proposal on their part to repeal the 17th. Though he should be extremely glad himself to see all the children go to the Board schools, he knew that to legislate in such a direction would be idle and nugatory. To repeal the 25th clause of the Act and leave the 17th unrepealed would be to place a high differential duty on the denominational schools as against the Board schools, and would have the effect of driving all the children into the latter at once. To ask the House to accept such a proposal would be useless, for hon. Members must treat these matters like men of the world and persons who understood politics. By repealing both clauses this vexed sectarian question, he believed, might be settled upon grounds on which all parties would be able to agree. He had heard rumours that such a proposal was likely to have proceeded from a quarter which would probably have rendered it more acceptable to the House than it would be if it emanated from the hon. Member for Birmingham; but he had heard an ingenious and Machiavellian suggestion made that the idea was abandoned, for fear it might have the serious effect of establishing a reconciliation in the Liberal party. Such an objection, to his mind, would not be fatal to the proposition if it were otherwise sound. There was, however, something even more important than a reconciliation of the conflicting sections of the Liberal party, and that was the cause of education in this country. It

must be admitted on all hands that the unfortunate disagreement with respect to this 25th clause of the Act was a most serious stumbling-block in the way of the progress of education in this country. If, therefore, some common ground could be found on which all parties could agree, and which had nothing to do with sectarian differences at all, it was surely a matter worthy of the House of Commons to see whether they could not so agree to remove the stumbling-block and advance education. Was it worth keeping up either the 17th or the 25th clause, about which there had been so much fighting? He would appeal to the hon. Member for Westminster (Mr. W. H. Smith) whether the results were not infinitesimal in London?—and if that was the case in a place like London, surely that was a strong argument why these vexed clauses should be withdrawn with a view to an amicable settlement of the difficulty. If the Vice President of the Council would consent to this mode of settling the controversy he would remove a great bone of political contention and do much to advance the cause of national education.

MR. W. E. FORSTER: My sole object in rising so early is that it seems to me we are debating upon the original Motion rather than upon the Amendment of the hon. Member for Birmingham (Mr. Dixon), and it appears to me that we are all of one opinion that we do not wish to have repeated discussions on the same point. The hon. Member for Birmingham has proposed a Resolution combining three objects, and my hon. and learned Friend the Member for Oxford (Mr. Harcourt) has argued in a powerful manner—not in favour of the Motion, but of the Amendment of which he has given Notice, and which the House in Committee will have to consider, and it seems to me that it will be better not to enter now upon any debate upon the subject of this Amendment. The hon. Member for Birmingham said he invited division, but did not invite debate, and as I shall be very glad on the part of the Government to meet the arguments for Amendments when they are brought forward, I cannot but believe that we had better get as soon as possible into Committee to hear them. My hon. Friend gave as his reason that he never interposed with a Resolution. I remember in his very

calm and moderate speech last Thursday evening he said he would not vote against the Bill now under consideration, and therefore went out of the House. He felt now that by his Motion he would be as much voting against the Bill as by supporting the Previous Question; but he gets out of it by saying that he knows his Motion will not be carried. I do not wish to treat his Motion with anything like indifference, much less with anything like contempt. Nevertheless, the matter has been debated over and over in the House, and I feel we cannot now enter into the question of universal compulsion or universal school rates. I will only just say this—I repeat that I am still as earnest for universal compulsion as ever I have been; but that I do believe that if my hon. Friend insists upon coupling with universal compulsion, the necessity for school boards, and also the repeal of the 25th clause without anything in its place, he will put off for an indefinite time this very system of compulsion. I think we should not meet with the assistance of the country, if in order to get compulsion extended throughout England and Wales, ratepayers are called upon to build schools which would not otherwise have been necessary, or if anything like differential duty were imposed upon them for Board schools as against other schools, compulsion will be impossible. However necessary it may be, it is a difficult and delicate matter, and if we compel more than we can help, we shall certainly fail. My hon. Friend threw out a hint that voluntary schools, so far as secular education is concerned, might be transferred to the school boards. I doubt the willingness of the managers of the voluntary schools, at all events for a long time to come, to agree to such a transfer. It may be said that they would thereby relieve themselves from the cost of secular teaching. Undoubtedly they would; but upon whom would fall the cost of secular teaching?—upon the ratepayers. Does my hon. Friend think the ratepayers would be willing to undertake the task? The burden is already by no means small, and year by year it will continue to increase. My hon. Friend is mistaken in supposing that it is a mere pounds, shillings, and pence question. We must it is true remember we have to pass measures through this House. This House is composed of

Representatives of the ratepayers, and I cannot conceive anything more difficult to be obtained than a system of compulsion with the money to be attached to it. I should, however, be hardly honest if I were to sit down without saying that I think there are higher subjects involved. I have often been charged with making a compromise, and with deviating from principle in order to get the House to agree to the Education Act. I can only state that was not the feeling with which I brought the measure forward. There has never to my mind been any compromise. I am aware that in the minds of many Members they thought they were giving up one thing to secure another; but my object in this matter was to make use of all the moral forces of the country, and, having the interests of education at heart, I did not feel at liberty to disregard what has been accomplished by the voluntary system. Quite independently of pounds, shillings, and pence there are many parts of the country where the Squire and the Parson, who have been so often referred to, would be more likely to secure an efficient school than a body of reluctant farmers, upon whom the conduct of a school board might sometimes fall. I hope we may be allowed to divide upon this Amendment, if my hon. Friend thinks it necessary to do so, and then to proceed in Committee, where all the points will be brought forward for positive discussion.

Question put.

The House divided:—Ayes 129; Noes 45: Majority 84.

#### AYES.

Adderley, rt. hon. Sir C.	Cavendish, Lord F. C.
Amphlett, R. P.	Charley, W. T.
Anstruther, Sir R.	Childers, rt. hon. H.
Ayrton, rt. hon. A. S.	Clay, J.
Baines, E.	Cobbett, J. M.
Barclay, A. C.	Colebrooke, Sir T. E.
Barclay, J. W.	Coleridge, Sir J. D.
Barttcot, Colonel	Collins, T.
Bates, E.	Corrane, F. S.
Baxter, rt. hon. W. E.	Corrigan, Sir D.
Beach, W. W. B.	Cowper-Temple, right hon. W.
Benyon, R.	Cross, R. A.
Birley, H.	Cubitt, G.
Blennerhassett, Sir R.	Delahunt, J.
Bolckow, H. W. F.	Dent, J. D.
Bonham-Carter, J.	Dickinson, S. S.
Bourke, hon. R.	Dodson, rt. hon. J. G.
Bowring, E. A.	Dowdeswell, W. E.
Buller, Sir E. M.	Duff, M. E. G.
Campbell-Bannerman, H.	Dundas, J. C.
Cardwell, rt. hon. E.	Egerton, hon. A. F.

*Mr. W. E. Forster*

Enfield, Viscount	Miller, J.
Kwing, A. Orr-	Monk, C. J.
Fawcett, H.	Monsell, rt. hon. W.
Figgins, J.	Mowbray, rt. hon. J. R.
Forster, rt. hon. W. E.	Newdegate, C. N.
Fowler, R. N.	North Coloneil
Garnier, J. C.	Pakington, rt. hon. Sir J.
Gladstone, rt. hon. W. E.	Peel, A. W.
Gordon, E. S.	Pemberton, E. L.
Gore, J. R. O.	Phipps, C. P.
Goschen, rt. hon. G. J.	Pim, J.
Gower, hon. B. F. L.	Playfair, L.
Grant, Col. hon. J.	Powell, F. S.
Gray, Colonel	Raikes, H. C.
Greville, hon. Captain	Rathbone, W.
Grey de Wilton, Visc.	Ridley, M. W.
Grieve, J. J.	Round, J.
Hamilton, Lord G.	Salt, T.
Hardy, rt. hon. G.	Samuelson, B.
Hay, Sir J. C. D.	Samuelson, H. B.
Henley, rt. hon. J. W.	Sandon, Viscount
Henley, Lord	Scourfield, J. H.
Hermon, E.	Seely, C. (Nottingham)
Heygate, W. U.	Sherlock, D.
Hibbert, J. T.	Smith, W. H.
Holt, J. M.	Stanley, hon. F.
Hope, A. J. B. B.	Stansfeld, rt. hon. J.
Hughes, T.	Stork, rt. hon. Sir H. K.
Jessel, Sir G.	Stuart, hon. H. W. V.
Johnston, A.	Talbot, J. G.
Kavanagh, A. MacM.	Tipping, W.
Knatchbull-Hugessen,	Tollemache, Maj. W. F.
right hon. E.	Torr, J.
Lacon, Sir E. H. K.	Turner, C.
Lancaster, J.	Verney, Sir H.
Leathem, E. A.	Wait, W. K.
Leeman, G.	Waterhouse, S.
Lowe, rt. hon. R.	Welby, W. E.
Lubbock, Sir J.	West, H. W.
Lyttelton, hon. C. G.	Wheelhouse, W. S. J.
Maeffie, R. A.	Winn, R.
Mackintosh, E. W.	Young, rt. hon. G.
M'Lagan, P.	
M'Laren, D.	TELLERS.
Manners, rt. hon. Lord J.	Adam, W. P.
Melly, G.	Glyn, hon. G. G.

## NOES.

Anderson, G.	Muntz, P. H.
Baker, R. B. W.	Onslow, G.
Brewer, Dr.	Palmer, J. H.
Bright, J. (Manchester)	Potter, E.
Brown, A. H.	Potter, T. B.
Cowen, Sir J.	Price, W. E.
Cunliffe, Sir R. A.	Richard, H.
Dilke, Sir C. W.	Roden, W. S.
Edwards, H.	Sartoris, E. J.
Eykyn, R.	Simon, Mr. Serjeant
Fitzmaurice, Lord E.	Stapleton, J.
Goldsmid, Sir F.	Tollemache, hon. F. J.
Gourley, E. T.	Tracy, hon. C. R. D.
Herbert, hon. A. E. W.	Hanbury-
Hodgson, K. D.	Villiers, rt. hon. C. P.
Holland, S.	Wedderburn, Sir D.
Illingworth, A.	White, J.
Kensington, Lord	Whitwell, J.
Lawson, Sir W.	Willyams, E. W. B.
Lewis, J. D.	Wingfield, Sir C.
M'Arthur, W.	Young, A. W.
Miall, E.	
Mitchell, T. A.	TELLERS.
Morley, S.	Candlish, J.
Mundella, A. J.	Dixon, G.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

*Preliminary.*

Clause 1 (Short title 33 & 34 Vict. c. 75) agreed to.

Clause 2 (Construction of Act) agreed to.

*Expenses of Education.*

Clause 3 (Repeal of and substitution of other provisions for 18 & 19 Vict. c. 34 (Denison's Act).

Mr. CANDLISH, in rising to move an Amendment, the object of which was to repeal the 25th section of the Elementary Education Act of 1870, and so getting rid of the provision which enabled school boards to pay the fees of children in cases where the parents were unable to pay the fees themselves, said, that the right hon. Gentleman the Vice President of the Council was wrong in supposing that all those who supported the second reading of the Bill were favourable to the measure in its entirety. The fact was that they approved pretty well everything, except the particular clause now before the Committee, and that their objections were not without foundation was shown by the action of the right hon. Gentleman himself with regard to the question of compulsion. He (Mr. Candlish) maintained that the 25th clause had given rise to so many animosities and differences throughout the country that it would take a long time to put an end to them. He gathered from the silence of the Opposition on Friday evening that they were now favourable to the repeal of the clause. ["No!"] It was true that contributions to taxation were formerly made out of Imperial taxation; but now they were asked to pay for secular and sectarian education out of local taxation. He hoped that by adopting his Amendment, and virtually abolishing the 25th clause, they would satisfy the strong growing feeling of the country on this point. The hon. Member for Brighton (Mr. Fawcett) had with great effect twitted the Nonconformists with paying taxes for the support of denominational schools, while they objected to pay rates. The Nonconformists were opposed to the payment of taxes as well as of rates for

such a purpose; but the distinction in the case of the rate was that it was imposed for the first time in the Education Act. The hon. Member concluded by moving the Amendment of which he had given Notice.

*Amendment proposed,*

In page 1, line 17, to leave out the word "is," in order to insert the words "and section twenty-five of the principal Act are."—(*Mr. Candlish.*)

Question proposed, "That the word 'is' stand part of the Clause."

MR. VERNON HARCOURT moved to amend the hon. Member's (*Mr. Candlish's*) proposal by inserting words with the view of repealing the 17th as well as the 25th clause, for the reasons which he had stated when the Amendment of the hon. Member for Birmingham (*Mr. Dixon*) was under consideration.

MR. F. S. POWELL denied that the feeling of the country was in favour of the abolition of the 25th clause. On the contrary, parents throughout the country desired to have the free choice of the school to which their children should be sent. He believed it was a just and wise concession on the part of the Government to remove the elementary education of the working class from all contact with the pauper class. If they were to have compulsion, they should couple it with permission to school boards to pay the fees of poor children. He denied that the action of the 25th clause inflicted any wrong either upon the parents; or upon the conscience of the ratepayer, and as regarded the question of the pocket, he did not think that the ratepayers would grudge the £4,000 or £5,000 a-year that was spent under the clause in order to bring education to a class which it was difficult to reach.

DR. LYON PLAYFAIR said: In order not to interrupt the chances of this Bill, I gave way to my right hon. Friend the Vice President of the Council, although I was anxious to have spoken on the subject of the resolution of the League. I fear, however, that I may embarrass his position to some extent; because I, an old ally fighting under his flag, am now about to pass over to the enemy. As regards Clause 25, the House will permit me to explain my reasons for this change, because it has arisen by the Government having adopted for England what we have already done for Scotland. The State will, no doubt, be a great

gainer by this compulsory education of paupers, which the House, to its great honour, passed with such an overwhelming majority. After all, we are only applying that compulsory education to pauper children which the Act 27 Henry VIII., cap. 25, did to vagrant children; and the object of our doing so cannot be better described than in the words of that old Act—namely—"That they may not be driven by want or incapacity into dishonest courses." The significance of what you have done will soon be apparent; for it has already convinced many Members that the 25th clause is not only unnecessary, but will in future be injurious to the interests of education. I was a strong advocate for that clause; but if you pass this Bill, I join heartily in the desire for its repeal. Let us see how this has arisen. My hon. Friend the Member for Brighton (*Mr. Fawcett*) spoke with great force and truth when he pointed out how the 3rd clause of this Bill as it was introduced, had been weakened, because the Vice President of the Council had thrust aside logic and fact in its construction, and had hugged sentiment. You might remove a political disability by an Act of Parliament; but you could not alter a fact, when you inconsistently declared that aid from the rates in payment of school fees is not parochial relief. In the Scotch Education Act we call a spade a spade, and do not tell the parent when he begs school fees from the ratepayers' pocket that he is not acting as a pauper. He is acting as a pauper, and should be told so. The only justification for compulsory education is that a parent has no more right to starve the mind of his child than he has to starve its body. If he fail by design or by misfortune to fulfil his parental duty, and asks the ratepayer to do it for him, he is essentially a pauper. I have very strong doubts whether any parent, not actually a pauper, was ever deterred from sending children to school by the mere inability to pay the school-pence. I do not believe in twopenny non-paupers. All schools are most liberal in their dealing with cases of real distress, for school managers reduce the payment in such cases to a nominal amount. It is not the 1d. or 2d. per week that prevents the child from being sent to school, but it is the loss of the 18d. per week which the child is winning for the parent by its labour

*Mr. Candlish*

or by begging in the streets. This major difficulty is clearly a subject for the Poor Law Guardians. The minor difficulty of providing school-pence to really necessitous parents who are not paupers is so insignificant in its proportions that it may well be left to private philanthropy. Even with the 25th clause in operation, it is only a question of some £5,000 annually for the whole country, or about 10s. for each inspected school. But even this small sum has chiefly been applied to pauper children, who will now be paid for by Guardians. Thus in Rochdale out of 58 children paid for under the 25th clause, 49, or 84 per cent were of the pauper class. Surely Rochdale could not have found it difficult to pay 2d. per week for these nine children, without invoking an Act of Parliament. If we take an example of a town, which already applies Denison's Act for pauper children, the operation of the 25th clause for non-paupers will be clearly shown. Leeds offers a good illustration. The fees now paid by the school board of that town amount to about £8 per quarter. In this huge metropolis, the amount paid last quarter was under £20. Surely those figures reduce the whole case for the clause to an absurdity. A more rigid administration still would lessen those figures to vanishing proportions. The Committee will recollect that there was a Select Committee of the House in 1861, called the "Destitution Education Committee." It was presided over by my right hon. Friend the Member for Devonshire (Sir Stafford Northcote) and contained among its Members Sir James Graham and the Chancellor of the Exchequer. That Committee found in ragged schools only two classes of children—real paupers who could not pay, and non-paupers who could pay at ordinary schools but went to ragged schools to shirk the fees. That Committee would support my statement that the twopenny non-pauper is a creation of the 25th clause, and does not exist in fact. These twopenny non-paupers, however, swarm in towns where the clause is loosely administered. I could name four towns, which, with uncalculating philanthropy, have thrown 10,000 children on public charity—for that it is, however you may cloak it under words of an Act of Parliament. This caprice in working the 25th clause has been its deathblow, for it has given to it a strong

pauperising character. And when you find large towns and by far the largest number of school boards working without the 25th clause, and when by this Bill we provide for pauper children, I no longer can defend that clause, and shall vote for its abolition. For both sides of the House this would be a benefit. I know that many of my hon. Friends opposite desire to abolish the clause; but they will not help us to do so at the present moment, because they think it a nice bone of contention for the Liberal party. Yet it is a bone which in the hands of a Samson may be used to smite the Philistines. The clause is likely to prove infinitely more injurious to the National Church while it lasts than it is likely to prove beneficial to the Conservative party, by continuous dissension among their opponents.

Mr. W. E. FORSTER felt it rather difficult to see as a matter of Order how this discussion should be taken. The question which the Committee had to decide was, whether the word "is" was to remain or be struck out of the clause. The hon. Member for Sunderland (Mr. Candlish) would strike out that word and repeal the 25th clause; and if the proposal of the hon. and learned Member for Oxford (Mr. Harcourt) were adopted it would repeal the 17th clause. Then came the proposal of the hon. and learned Member for Boston (Mr. Collins) to repeal the 26th clause. Now, he thought it would have been more convenient to raise those questions by omissions in the Schedule. The first question was as to the omission of part of Clause 17. He believed compulsion would be impossible if they said to an indigent as distinguished from a pauper parent—"You shall either be punished if you do not send your child to school, or you shall be made a pauper." If indigent parents were to be treated in that way the result would be that we should excite a very strong feeling throughout the country, and school boards would refuse to carry out compulsion. He did not dispute the logic of the hon. Member for the University of Edinburgh (Dr. Lyon Playfair) or of the hon. Member for Brighton (Mr. Fawcett); but he must remind those Gentlemen that Parliament did not undertake to conduct its legislation on strict principles of logic. His hon. Friend (Dr. Lyon Playfair) would rely upon private generosity. Well, pri-

vate generosity might come to the rescue; but in passing an Act of Parliament they could not put on the face of the Act that they had this reliance. His hon. Friend said that if the parent obtained this education relief he ought to be considered a pauper. But that argument might be pushed too far. It should not be forgotten that the whole system of State education was based upon assistance given to classes whose children were sent to school, and what right had they to draw a very strict line between the parent who got 4*d.* out of the 6*d.* spent on education and another parent who got the entire 6*d.* That was his reason for objecting to the repeal of the 25th section and of the chief part of the 17th. But he had a further one, relative to the position of the school board managers. If they gave the school boards that hard job, they must leave them some power and some discretion. His hon. Friend said he would leave them the discretion, but take from them the power of paying fees. He could not coincide in the expediency of that view, and upon those grounds he should vote against the proposition; but the chief consideration in his opinion was, what could they place in lieu of Section 17, even if the 25th clause were not in question?

MR. W. H. SMITH said, the hon. Member for Sunderland (Mr. Candlish) had taunted Gentlemen on that (the Opposition) side with having changed their opinions on this subject. But the fact was they always maintained the absolute right of the parent to choose the school to which he should send his child. It was true that many of them were not in favour of direct compulsion; but his right hon. Friend (Mr. Forster) had shown such a thorough acquaintance with the subject, and such an earnest desire to pay attention to the claims of all, that they gave way, and most cordially desired that the right hon. Gentleman's experiment should have a full, fair, and complete trial. With respect to the 25th and 17th clauses, there were many practical difficulties connected with the question involved. There was one standard of poverty in Leeds, another in Manchester, another in Liverpool, and so on. Looking at education as a necessary of life, he was inclined to maintain that the assumption by the State of the duty of providing education for all the children was one which lessened the

value of education in the eyes of the parent. It was primarily the duty of a parent to find education for his child, and if he could not do so, but had assistance from the State, he ought to be placed in the same position as if he came to the State for food for a starving child, for medicine for a sick child, or for relief for his wife when she was in want of it. From Leeds it was reported that the people on whose behalf school fees had been remitted were substantially of the pauper class. In Manchester an alarming condition of things had been brought about, and the board had to re-issue orders without troubling the parents to apply for them. It was believed that the board was cheated by parents who were able to pay school fees; but it was held that this was better than having the children neglected. This was a question of serious importance, because it involved the degradation of large numbers who were able to pay school fees, and who would pay them if assistance were not so readily afforded them. It was on those grounds he supported in principle the Amendment of the hon. and learned Member for Oxford (Mr. Harcourt); but, if the 17th clause of the Act were abandoned, the 25th clause must be abandoned too, and all the clauses which gave power to boards to establish free schools. Now, that we had provided for the education of pauper children by making it the duty of Boards of Guardians to see that they were educated, he believed, if education was to be sufficiently valued, that there must be no free education except for those who were in receipt of pauper relief. The time had not come to deal properly and usefully with this part of the question, and if it had it was too late in the Session now; but the truth was the country was not aware of the importance of the question, and it would have to be considered by the country before it could be settled by the House. The time would come when it would be admitted that, except for paupers, free schooling was not beneficial to the cause of education.

MR. B. SAMUELSON said, he had hitherto resisted the repeal of the 25th clause, but he should now vote for that repeal for three reasons. First, the extension of Denison's Act very much diminished the necessity for it; second, the heartburnings that would attend its

continued operation would exceed any advantages to be derived from it; third, it was possible to provide a substitute by requiring elementary schools to take, say, 5 per cent of free children; and he did not say 10 per cent, because he believed 1 per cent would meet the necessities of the case. It was not right when we were imposing new duties upon parents, that we should attach to their performance the risk of incurring the stigma of pauperism. We were inaugurating a new state of things; we were in a transition state, and it was our duty to have regard, not only to the consciences, but also to the prejudices of parents. He should support the Amendment of the hon. Member for Sunderland (Mr. Candler).

MR. GATHORNE HARDY desired to direct attention to the singular turn of the debate and the position in which the House was placed. The representatives of the Birmingham League complained that the consciences of Nonconformists were violated by having to pay fees out of rates for children attending denominational schools, and yet there was no Amendment on the Paper to that part of the original Act which enabled Guardians to require the attendance of children at schools selected by the parents. The right of selection remained for paupers; but it was to be taken away from the indigent. The Amendment was supported by some on conscientious grounds, and by others, who did not care for conscience, on economical grounds. The conscientious ground seemed a strange one, when for years we had been making payment out of State funds to assist education, and when for a part of the time we had insisted that religious instruction must be given in the school receiving assistance. The hon. Member for Birmingham (Mr. Dixon) stated the other evening that this was only the beginning of the agitation, and that those who acted with him would oppose any grant whatever, whether out of taxes or rates, in support of denominational schools; but then, why should the Committee take a step which implied that the parent was not to select his child's school? School boards had power to lay down a scheme of religious teaching, and in many cases had done so. There were people who thought that a great deal too much, while others had thought it a great deal

too little; and just as much respect ought to be paid to the consciences of both those classes of objectors as to the conscience of the ratepayer. For his own part, he believed that the ratepayer did not really entertain the objection attributed to him, but that the idea was put into his head by other persons. On the question of conscience he was unable to see any valid argument which did not equally apply to all grants made for educational purposes, whether they were raised by rates or taxes. His own conscience would not be wounded by being compelled to contribute to the support of schools in Scotland; even though Presbyterianism were taught in them, for he should pay in his capacity as a subject of the State. The hon. Member for Banbury (Mr. Samuelson) could not at all appreciate the economic question. As for free admission, it tended to cause irregular attendance of the children because the parents thought that what cost them nothing must be of no great importance. [Mr. B. SAMUELSON said, he assumed compulsion.] The hon. Member really proposed to inflict compulsion not on the parents of the children, but on the managers of the voluntary schools. He would compel them to educate gratuitously certain children, with regard to whom they were under not moral, State, or parental obligation. It should be borne in mind that the school fees did not pay for the whole of the education which the children received. Where, he would ask, did the moral obligation of a parent to educate his children end, and where did the immoral obligation of the Guardians begin? Was he under a moral obligation to pay half or a quarter of the fee? [Mr. VERNON HARCOURT: To pay something.] But supposing he could not, was it not plain that he was in precisely the same position with respect to the Guardians as if he could not provide sufficient food or clothing? Could it be contended that he had fulfilled his moral obligation by paying a penny? and, he asked, how could they make attendance compulsory, if they compelled the parent to pay? It was impossible to reason the matter out logically. In country districts he did not believe the section now under consideration would come materially into operation at all; but the case would be different in crowded towns with shifting populations. There a large number

of the children were like eels—they either could not be got hold of, or else they soon slipped away. It was a difficulty with respect to a portion of the population that especially required to be paid for. Was it the object of that House to educate the children, or to establish so strict a rule that the parents should never be able to evade the payment? No doubt, if these parents could be made to pay it would be a very good thing; but the experiment had been tried in the reformatories, and how many parents had been got to pay in those cases? It was necessary to give religious instruction, as the only means of reforming those who had fallen into confirmed crime; and those reformatories were almost in every case carried on by religious denominations, while the public had to pay the money for almost all the children. He did hope and trust that hon. Members who had a sincere desire for religious education would put aside sectarian prejudices in regard to this and the 25th clause, and that they would unite in seeing that these children received some religious instruction, which was the only true basis of education.

**MR. GLADSTONE:** I wish to say a few words in regard to the Division, in consequence of the form of the Question now about to be put. I wish the Committee clearly to understand the construction which we shall put upon that Motion, and the course that we shall take if that Motion should be carried. There is one observation I may make with satisfaction, and that is—that we have not three courses, but four. There are the opponents of the 25th clause; there are the opponents of the 17th clause; there are those who are opponents of both clauses; and there are those who are the opponents of neither of the clauses. The Question to be put will not allow us directly to distinguish ourselves under our various banners, nor to make any progress towards it, so far as that Question is concerned. The Question to be put is, that "The word 'is' stand part of the Clause." The course we shall adopt in regard to that apparently colourless Motion has been well stated by my right hon. Friend. We shall vote that "is" stand part of the Motion. In that manner we intend to show that it is our wish that both clauses should be maintained. It is our desire to retain

both these clauses; but it is possible that the opponents of both—whom I believe to be few—might be largely re-inforced by the opponents of one, so that in one division it might turn out that the opponents of both clauses might have a majority, although the opponents of both clauses might not object to that. After the division the three sections would find themselves in a state of hopeless confusion in the event of our being defeated. In that division we shall vote against both these Amendments. We do not think that one ought to be adopted without the other. I have said all that I have to say on this point, and I hope the attitude of the Government is perfectly intelligible. I shall now venture to make a few remarks on the case itself. With respect to the able speech of my hon. Friend the Member for the University of Edinburgh (Dr. Lyon Playfair), he stated that he believed it doubtful whether a person in Scotland—speaking of the tenor of the Scotch Act, which as it was the latest precedent, he took it—he considers it doubtful whether a person receiving the education for his child, and not receiving assistance in any other direction from any person whatever, was thereby constituted a pauper. It appears to me, if any one will take the trouble to read the 69th clause of the Scotch Education Act, he will see that there is no ground for doubt whatever. It is a provision for this description of grant, and entirely apart from the question of pauper relief, and there is no word in the section which can be held to bear upon the question of pauper or no pauper. The other observation I wish to make is this—if we repeal the 25th clause, we shall place the child of the indigent man—whose case was so fully stated by the right hon. Gentleman who has just sat down—in a worse position than the child of the pauper. Because the child of the indigent man will be subject to compulsion which is absolute; whereas the child of the pauper will be subjected to compulsion limited by the declaration which is contained in that 3rd clause. In that clause there is a distinct reservation in favour of the pauper parent, and in the case of the indigent parent there is no reservation. If, in the division which is about to take place, this state of affairs is brought up, a result will be gained that the House does not contemplate, and

with which, I believe, it would be extremely ill-satisfied.

MR. BIRLEY said, that complaints having been made of the lax scale on which the Manchester and Salford School Board had given school relief, he wished to remind the House that this relief was not given merely to the indigent poor, but to paupers. It was given, moreover, with the general approval of the members of the school board, whatever might be their party politics. Lastly, he wished to remind the House that the board had been very successful in carrying out the work intrusted to it, and in a manner satisfactory to the ratepayers. With respect to the amount of school relief given by the board, it did not exceed 10 per cent of the fees paid by the other children attending the elementary schools, and the amount was not increasing.

MR. B. SAMUELSON, with reference to the statement of the Prime Minister that the repeal of the 25th clause would place the indigent parent in a worse position than the pauper, wished to remark that such would not be the case if his Amendment were adopted.

SIR DOMINIC CORRIGAN : Mr. Speaker—Sir, I rise to enter my protest very strongly against the doctrine laid down by the hon. and learned Gentleman the Member for Edinburgh University (Dr. Lyon Playfair), and also by the hon. and learned Member for Oxford (Mr. Harcourt), that all society is to be considered as divisible solely into two classes—namely, “paupers” and “non-paupers,” and I am sorry to hear from the hon. Member for Edinburgh University that this is the Scotch law. If it be so, all I will say is, that the sooner it is amended the better. I cannot assent to such a proposition. I think there are three classes in society—namely, the “paupers,” the “poor,” or distressed industrious, and the “rich,” or the ratepayers; and that of the two first classes, the second, or “distressed industrious,” is the most deserving of relief, as far as it can be granted without abuse. Some hon. Members of this House, Sir, who have spoken before me, contend that the State should not give any educational aid, except to “paupers”—that all who receive educational aid must accept it as any other “pauper,” and having received it must lose their social status, and be subject to all the degradations and dis-

qualifications that attach to paupers in the legal sense. I cannot subscribe to such a doctrine, and I can adduce some facts to prove, I hope, to this House that a class of persons who are not “paupers,” who are not wealthy, may nevertheless most justly be recognized as fitting to receive aid from public rates, and should not therefore be degraded as paupers. The phrase “poor persons,” as distinguished from “paupers,” occurs in the Irish Medical Poor Law Act of 1851. In the words of that Act, all “poor persons” are entitled to obtain hospital relief in workhouse hospitals, and in their own homes from dispensaries, when suffering under injury or sickness, and to be vaccinated at the public expense, but are not declared paupers in legal phraseology. They are not subject to any of the disqualifications attached to pauperism, such as being declared ineligible to sit on juries, incompetent to vote at Parliamentary and municipal elections, &c. This system has worked well in Ireland for 21 years to the entire satisfaction of all classes in Ireland. I think it applies in precedent form to the question now before us. It has worked well as to medical relief, and I do not see why it should not work well as to educational relief—namely, that the “poor persons”—that is, the industrious class—should get aid in education as in sickness, and in neither case be degraded into pauperism. If this hard-and-fast line, this rigid principle were to be laid down, that anyone availing himself in any instance or under any circumstances whatever, of parochial or public rates, were, by such act, to be forthwith declared a pauper, with all its disqualifications, I fear that even some hon. Members of this House would not escape “scot free,” for in the late epidemic visitation of the small-pox plague some hon. Members of this House, under the very natural terror of it, had themselves vaccinated at the nearest public vaccine station. Will any one here venture to say that by such act they legally constituted themselves paupers? and yet to this it must come if the principle attempted to be laid down here were to be carried out—namely, that any assistance from a public or poor rate in any and every instance forthwith, constituted the recipient a pauper. It may be said the instance I have adduced is far fetched; but the proper and only way to test a principle

is by testing it by an extreme case, and the instance I have adduced I think incontestably shows that the theory attempted to be defended here is untenable. I now come to another objection to the line taken by the hon. Member for Sunderland and the hon. Member for Birmingham, who would repeal the 25th clause of the Education Act, and would not permit the poor parent to send his children to a denominational school if he received any aid from the State. If those hon. Members were consistent they should bring in a Bill to declare that no rich parents should be permitted to send their children to denominational schools; but they have never attempted and never will attempt that. They allow, for they cannot prevent it, the rich man to educate his child in a denominational school, where the child is taught religion and learning together, but if, through reverse of fortune, he becomes poor, they say to him—"We have you down now; as long as you were rich we could not interfere with you; but you are now poor, and we will bring the pressure of poverty to bear on you, and force you to send your children to our secular schools, where they shall get no religious training." This, and such as this, is the principle and action of the Nonconformists, and would be class legislation of the worst kind.

MR. CORRANCE said, they were about to divide on the Question of whether the word "is" was to be included in the Bill; and he wished to know whether, if the word "is" was held to be part of the Bill, it would preclude the hon. Member for Sunderland (Mr. Candlish), or the hon. and learned Member for the city of Oxford (Mr. Harcourt), from proceeding with their Amendments?

THE CHAIRMAN said, it was proposed to omit the word "is" in order to insert the Amendment of the hon. Member for Sunderland. Therefore the question of the maintenance of the word "is" would first be put, and if the Committee should decide to omit it, then the hon. and learned Member for Oxford would move an Amendment upon the Amendment of the hon. Member for Sunderland, and in case that was carried the Question for the omission of Clause 17 would be put before the Question for the omission of Clause 25.

VISCOUNT MAHON said, he could not give his support to the Amendment of the hon. Member for Sunderland.

MR. W. FOWLER said, it had been stated on behalf of the Government that if they were defeated on the word "is," both clauses would be struck out of the Bill.

MR. GLADSTONE said, that if one clause was expunged the other would be expunged also.

Question put.

The Committee divided:—Ayes 200; Noes 98: Majority 102.

#### AYES.

Adderley, rt. hon. Sir C.	Dowdeswell, W. E.
Akroyd, E.	Duff, M. E. G.
Amcotts, Col. W. C.	Dundas, J. C.
Amphlett, R. P.	Du Pre, C. G.
Anstruther, Sir R.	Dyke, W. H.
Arbuthnot, Major G.	Dyott, Col. R.
Arkwright, R.	Edwards, H.
Ayrton, rt. hon. A. S.	Egerton, hon. A. F.
Barclay, A. C.	Elliot, G.
Barttelot, Colonel	Enfield, Viscount
Bass, M. T.	Erskine, Admiral J. E.
Bates, E.	Ewing, A. Orr-
Baxter, rt. hon. W. E.	Feilden, H. M.
Beach, W. W. B.	Fellowes, E.
Bentinck, G. C.	Figgins, J.
Benyon, R.	Finch, G. H.
Biddulph, M.	Fitzwilliam, hon. C.
Birley, H.	W. W.
Blennerhassett, Sir R.	Fletcher, I.
Bolckow, H. W. F.	Forester, rt. hon. Gen.
Bowring, E. A.	Forster, rt. hon. W. E.
Brassey, T.	Foster, W. H.
Bright, R.	Fortescue, rt. hon. C. P.
Bruce, Lord C.	Fortescue, hon. D. F.
Bruce, rt. hon. H. A.	Fowler, R. N.
Buxton, Sir R. J.	Garnier, J. C.
Cameron, D.	Gilpin, Colonel
Campbell-Bannerman, H.	Gladstone, rt. hon. W. E.
Cardwell, rt. hon. E.	Goldney, G.
Cartwright, W. C.	Gordon, E. S.
Cavendish, Lord F. C.	Gore, J. R. O.
Cavendish, Lord G.	Gore, W. R. O.
Charley, W. T.	Goschen, rt. hon. G. J.
Clive, Col. hon. G. W.	Grant, Colonel hon. J.
Cobbett, J. M.	Gray, Colonel
Cogan, rt. hon. W. H. F.	Gray, Sir J.
Colebrooke, Sir T. E.	Gregory, G. B.
Coleridge, Sir J. D.	Greville, hon. Captain
Collins, T.	Greville-Nugent, hon. G. F.
Corrigan, Sir D.	Grey, rt. hon. Sir G.
Cowper-Temple, right hon. W.	Grey de Wilton, Vis.
Crawford, R. W.	Grieve, J. J.
Cross, R. A.	Grosvenor, Lord R.
Cubitt, G.	Guest, A. E.
Damer, Capt. Dawson.	Guest, M. J.
Davie, Sir H. R. F.	Hamilton, Lord G.
Delahunt, J.	Hardy, rt. hon. G.
Denison, C. B.	Hartington, Marq. of
Dimsdale, R.	Hay, Sir J. C. D.
Disraeli, rt. hon. B.	Henley, rt. hon. J. W.
	Henley, Lord

*Sir Dominic Corrigan*

Hermon, E.	O'Conor, D. M.	Henderson, J.	Norwood, C. M.
Heygate, Sir F. W.	Ogilvy, Sir J.	Herbert, hon. A. E. W.	Onslow, G.
Heygate, W. U.	Patten, rt. hon. Col. W.	Hodgson, K. D.	Otway, A. J.
Hick, J.	Peek, H. W.	Holland, S.	Palmer, J. H.
Hildyard, T. B. T.	Peel, A. W.	Holms, J.	Philips, R. N.
Hogg, J. M.	Phipps, C. P.	Illingworth, A.	Playfair, L.
Holmeade, Viscount	Pim, J.	James, H.	Potter, E.
Holt, J. M.	Plunket, hon. D. R.	Johnston, A.	Price, W. E.
Hope, A. J. B. B.	Portman, hon. W. H. B.	Kensington, Lord	Reed, C.
Hoskyns, C. Wren-	Powell, F. S.	Kinnaird, hon. A. F.	Roden, W. S.
Hughes, W. B.	Rathbone, W.	Lawrence, Sir J. C.	St. Aubyn, Sir J.
Hurst, R. H.	Ridley, M. W.	Lawrence, W.	Samuelson, B.
Hutton, J.	Round, J.	Lawson, Sir W.	Samuelson, H. B.
Jenkinson, Sir G. S.	Russell, Lord A.	Lea, T.	Sartoris, E. J.
Jessel, Sir G.	Sackville, S. G. S.	Leatham, E. A.	Sheridan, H. B.
Johnstone, Sir H.	Salt, T.	Leeman, G.	Sherriff, A. C.
Kavanagh, A. MacM.	Sandon, Viscount	Leith, J. F.	Simon, Mr. Scraight
Kennaway, Sir J. H.	Scott, Lord H. J. M. D.	Lewis, J. D.	Stapleton, J.
Kingscote, Colonel	Scourfield, J. H.	Locke, J.	Stuart, Colonel
Knatchbull-Hugessen,	Seely, C. (Nottingham)	Lubbock, Sir J.	Trevelyan, G. O.
right hon. E.	Sherlock, D.	Luak, A.	Villiers, rt. hon. C. P.
Knightley, Sir R.	Simonds, W. B.	M'Arthur, W.	Wedderburn, Sir D.
Lacon, Sir E. H. K.	Sinclair, Sir J. G. T.	M'Clure, T.	Weguelin, T. M.
Laird, J.	Smith, S. G.	M'Laren, D.	West, H. W.
Lancaster, J.	Stacpoole, W.	Martin, P. W.	White, J.
Langton, W. G.	Stanley, hon. F.	Melly, G.	Whitwell, J.
Learmonth, A.	Stansfeld, rt. hon. J.	Miall, E.	Williams, W.
Lefeuvre, G. J. S.	Stone, W. H.	Milbank, F. A.	Willyams, E. W. B.
Lennox, Lord G. G.	Storks, rt. hon. Sir H. K.	Miller, J.	Wingfield, Sir C.
Lennox, Lord H. G.	Strutt, hon. H.	Mitchell, T. A.	Young, A. W.
Liddell, hon. H. G.	Stuart, hon. H. W. V.	Morgan, G. O.	TELLERS.
Lindsay, hon. Col. C.	Sykes, C.	Morley, S.	Candlish, J.
Lowe, rt. hon. R.	Talbot, C. R. M.	Morrison, W.	Richard, H.
Lowther, J.	Talbot, J. G.	Mundella, A. J.	
Lowther, hon. W.	Taylor, rt. hon. Col.		
Lyttelton, hon. C. G.	Tipping, W.		
Macfie, R. A.	Tolemache, Maj. W. F.		
Mackintosh, E. W.	Torr, J.		
M'Legan, P.	Turner, C.		
Mahon, Viscount	Verney, Sir H.		
Matheson, A.	Wait, W. K.		
Miller, W.	Waterhouse, S.		
Miles, hon. G. W.	Welby, W. E.		
Mills, Sir C. H.	Wells, E.		
Monckton, hon. G.	Wheelhouse, W. S. J.		
Monk, C. J.	Whitbread, S.		
Monsell, rt. hon. W.	Winn, R.		
Morgan, hon. Major	Young, rt. hon. G.		
Mowbray, rt. hon. J. R.			
Munster, W. F.			
Nicholson, W.			
North, Colonel			
O'Brien, Sir P.			
	TELLERS.		
	Adam, W. P.		
	Glyn, hon. G. G.		

## NOES.

Anderson, G.	Davies, R.
Aytoun, R. S.	Dent, J. D.
Baines, E.	Dickinson, S. S.
Baker, R. B. W.	Dillwyn, L. L.
Beaumont, H. F.	Dixon, G.
Beaumont, Major F.	Eykyn, R.
Bentall, E. H.	Fawcett, H.
Brewer, Dr.	Finnie, W.
Brinckman, Captain	Fitzmaurice, Lord E.
Brogden, A.	Fothergill, R.
Brown, A. H.	Fowler, W.
Carter, R. M.	Gilpin, C.
Chadwick, D.	Goldsmid, Sir F.
Cowen, Sir J.	Goldsmid, J.
Cowper, hon. H. F.	Gourley, E. T.
Cunliffe, Sir R. A.	Graham, W.
Dalrymple, D.	Harcourt, W.G.G.V.V.

MR. J. LOWTHER gave Notice that at the proper time he should propose an Amendment to repeal the compulsory education section of the Act of 1870.

MR. WELBY moved in page 1, line 20, after "given," to insert, "by the Guardians by way of weekly or other continuing allowance." As the Bill stood, the giving of out-door relief was coupled with the condition that the child or children of the recipient should be sent to school. There were, however, cases of a temporary character—such as casual medical relief, allowances for funeral expenses, or relief where the head of the family had met with an accident, or was obliged to give up work owing to illness—in which it would work injustice if the parent was obliged for a week or fortnight to take his son from employment in which he might be earning 10s. or 12s. a-week, with the chance at the end of that short time of permanently losing his situation. The Amendment would exempt such cases only from the operation of the Act, and would render it more workable and acceptable throughout the country.

MR. CORRANCE supported the Amendment. The Amendment would remove the absurdity of making the re-

lief of a casual pauper dependent upon the education of his child. A certificate from the school ought to be required, and he had given Notice of an Amendment to that effect; but, rather than impede the progress of the Bill, he would accept this Amendment.

MR. W. E. FORSTER said, he was glad the hon. Member would not press his own Amendment, which would go further than he intended. He (Mr. Forster) had consulted the Poor Law authorities with regard to the proposed words, and they were of opinion that they might be safely introduced into the clause. He agreed that where the parish simply paid funeral expenses, or gave similar relief of that temporary character, that should not necessitate the attendance of the children at school; but where week after week relief was given to the parents, then the children ought to be sent to school. He suggested that it would be well to introduce after "guardians" the words "on their order."

COLONEL BARTTELOT said, Guardians would be placed in a difficulty in discriminating as to when children were to be sent to school and when they were not.

MR. W. E. FORSTER said, he could not see the opening for difficulty, seeing that the clause gave power to Guardians only while parents were in receipt of out-door relief.

MR. B. SAMUELSON said, he thought this was a complete illustration of the evils of sporadic compulsion; the moment relief ceased, the whole thing dropped to the ground.

MR. W. E. FORSTER said, the clause applied to out-door paupers, and inasmuch as it applied to them, it could not apply to others.

*Amendment, as amended, agreed to.*

MR. REED observed that a very powerful argument had been offered to the Committee that day in favour of infant education. He quite concurred with the right hon. Gentleman opposite (Mr. G. Hardy) as to the value of early training in schools, and the object of the Amendment of which he had given Notice was to secure the attendance of children under five years of age. There was no power to enforce the attendance of children at that early age; but there was this important fact—that at the present time in the metropolis there

were 70,440 children between three and five years of age at school. No stronger proof could be offered of the willingness of the parents on the one hand, and the readiness of the children on the other, to attend school even at that early age. The amount of instruction given might not be very great; but the amount of interest shown by the children in the infant-school training was very considerable. There were 139,000 children between the ages he had mentioned in the metropolis, 70,000 of whom attended school, leaving 69,000 who did not. He saw no reason why, when they were removing the obstacles to the education of the children of out-door paupers, they should omit all provision with reference to children between three and five years of age. He would remind the Committee that directly the school board required the attendance of the elder girl of a family she immediately brought the small child, and it was desirable, therefore, that school boards should have power to bring those children into their schools. In London particularly, where the schools were at present practically closed against them, it was most important that they should get these younger children in. He moved, in line 21, to leave out "five" and insert "three."

MR. COLLINS opposed the Amendment, on the ground that five years was the age stated in the original Act.

MR. W. E. FORSTER admitted that a great deal might be said in support of the proposal of his hon. Friend. It was at first sight very tempting; but he confessed he was afraid that, taking the country throughout, they should be overworking the thing if they attempted to put the Amendment in force. His hon. Friend said that the children liked these schools, and he (Mr. Forster) did not doubt that if the elder children attended school, a great number of the younger children would go with them without making this special provision. It would be much better to leave this matter to voluntary exertions, and not attempt to make it compulsory.

MR. J. LOWTHER said, he did not think that the Government approached this important question in a proper spirit. The object of the Amendment seemed to him to be to provide nursery accommodation throughout the country.

MR. REED said, that after the statement of the right hon. Gentleman he

would not press his Amendment; but when he said the elder children would bring the little ones, he (Mr. Reed) wanted to know who was to pay for them.

Amendment, by leave, withdrawn.

MR. B. SAMUELSON proposed to add to the clause—

"If it shall appear to a School Board that the parent of any child, such parent not being in receipt of parochial relief, is unable to pay the school fees of such child, the School Board shall have power to direct that such child shall be received free of charge, or at a reduced charge, in any Public Elementary School within the school district chosen by the parent, and the managers of such school shall be obliged to receive the same under penalty of forfeiture of its Parliamentary Grant: Provided, That no Public Elementary School, not being a School Board School, shall be called upon to receive free of charge, or at a reduced charge, any number of such children exceeding one-twentieth of the number in average attendance during the preceding school year."

Notwithstanding the retention of the 25th section, he believed this would be a useful provision.

Question proposed, "That those words be there added."

MR. MELLY objected to the Amendment, because it would impose an additional burden upon the school managers, who would have to collect a larger sum of money than was now required. Besides, the tax would fall for the most part upon one denomination—namely, the Roman Catholics, who educated so many poor children.

MR. W. E. FORSTER also thought voluntary school managers would have a right to complain of the obligation, and feared it would bring them into collision with school boards. They might be reluctant to admit waifs and strays, whose presence might involve the loss of many children of respectable artizans, through the dislike of such artizans to have their children associate with the class in question. Were it left, however, to their free action, managers might probably arrange for the admission of these children. The proposal, moreover, in country districts, with a poor labouring population, would sap the principle of payment. It would be more straightforward to refuse assistance to voluntary schools than to require their assistance in this way.

MR. SCOURFIELD objected to so in-

tricate an Amendment being proposed without having been printed.

MR. DIXON said, he thought the opponents of the Amendment violated the principle so much insisted upon, that parents should have the right of selecting schools. A school might be a good school, of a parent's denomination, and near his home, and yet the managers were to refuse pauper and indigent children, because they did not like them. Surely we had a right to insist on public elementary schools receiving their grant on conditions which would not allow them to refuse children if there was room for them.

MR. W. E. FORSTER said, it was a condition that public elementary schools should not refuse children except on reasonable grounds; but it was another thing to enable boards to force schools to accept children; it would be an interference which would make management impossible.

MR. REED said, that there were 53,000 vacant places in the London schools, and he thought they ought to be utilized by adopting this Amendment. He had brought forward the subject last year; but was answered that the managers of schools did not like to receive these poor children. He only wished that his hon. Friend had got his Amendment printed, as he was sure it would have had great weight with the House. In the city of Sydney each public elementary school was compelled to receive 25 poor children, and no one knew which was the poor child and which the paying pupil. In this country many managers were already taking in poor children and teaching them with other scholars. He trusted that in some form or another means would be found for utilizing the 53,000 vacant places in the metropolis.

MR. WYKEHAM MARTIN said, he did not think the presence of the children of the indigent poor would tend to drive out paying children. His experience as a manager showed that where the master was competent, well-to-do farmers would gladly send their children at five times the ordinary fee to the same school at which the poorest class were taught. He believed that if the Amendment were carried out it would result in great benefit to the nation.

MR. BAINES supported the Amendment. He said, that as the case of

Leeds had been frequently referred to, he wished to place at the disposal of the Committee some facts which illustrated the working of the existing Act for the education of the children of out-door paupers. The Guardians of Leeds had always worked Denison's Act with great effect, and there were at the present time in Leeds no less than 685 children who had been sent by them to the public elementary schools of that town. By some it was asserted that the managers of these schools would not be very willing to receive children of this class; but he could state that eight or ten of the very best schools in the town of Leeds had been for years receiving children of this class without one word of objection. In support of the plan proposed by his hon. Friend (Mr. Samuelson) he would say that it would be advantageous to all parties. It was not only a public benefit that these children should be received in these schools; but it was also a positive pecuniary advantage to the schools themselves, for they received for every child that came into the schools the Parliamentary grant. The value of that he believed to be 15*s.* a-year for each child, although some said that it was not more than 12*s.*; but, taking the lowest amount, it was infinitely better for the schools to take these children, if they had places vacant, on account of the public payment made for them. It was quite obvious that no one could put these children into schools where there were no vacant places. Now, what was the number of the children who, in a town like Leeds, were likely to apply for assistance as indigent children? The number of pauper children in the schools was 685; but the number of indigent children for whom the school board had paid the fees during the course of the past year was only 44, which at 10*s.* per annum each (the actual payment), made an aggregate of only £22 in the year. The proposal of the hon. Member (Mr. Samuelson) would solve one of the greatest difficulties that they had at present to contend with, for it was quite notorious that this was one of the questions that had kept the country in hot water and strife for years past, and it was most desirable that it should now be satisfactorily settled. He was quite sure that those gentlemen who managed the schools of the Church of England would, if they could get the children and had

room for them, be willing to forego the fees. He had often himself in that House expressed his gratitude to the clergy and school managers of the Church of England, and would not willingly do anything in the nature of injustice towards them; but he would call upon them as a matter of justice, of public spirit, and of patriotism, to receive with satisfaction a proposal of this kind, which would save the public money, allay public strife, and cause a great number of children to be provided for at the least possible expense to anyone.

MR. W. E. FORSTER said, the proposition really was, that they should get rid of the difficulty of the education of those indigent school children by forcing voluntary school managers to take them without payment. True, they would receive the capitation grant; but the education of these children would cost at least 26*s.*, and the sum paid by the Government averaged only 12*s.* It would not be fair to try and shift this duty, which really belonged to the rate-payers, upon individuals; and an additional difficulty would arise when the school boards had to decide what children had to be admitted free, and which schools should take them. There would be this anomaly—that while schools would receive 2*½d.* per week for a pauper child they would get nothing for indigent children. His objection to the Amendment was, that it would give to the school boards that kind of control over managers which could never work well.

MR. DIXON moved the addition of the following Proviso to the Amendment proposed by the hon. Member for Banbury:—"And provided that there be room in such Public Elementary School."

Amendment amended, by adding, at the end thereof, the words "and provided that there be room in such Public Elementary School."—(Mr. Dixon.)

SIR RAINALD KNIGHTLEY said, he thought the Amendment just proposed would make the confusion worse confounded. If they went to a division very few Members would know what they were voting about.

MR. B. SAMUELSON said, he was willing to accept the additional Amendment of the hon. Member for Birmingham.

MR. COLLINS remarked that more money would be paid for teaching religion in Board schools than in non-Board schools. He thought that denominational schools were already very hardly used, and the adoption of this Amendment would create an additional injustice.

MR. M'ARTHUR said, he hoped his hon. Friend the Member for Banbury would press his Amendment to a division. It was recommended by two individuals of eminence, the right hon. Member for Birmingham (Mr. Bright), and the Bishop of Manchester.

Question put, "That the words, as amended, be added at the end of the Clause."

The Committee divided:—Ayes 55; Noes 165: Majority 110.

Clause agreed to.

House resumed.

Committee report Progress; to sit again *this day*.

It being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### SUPREME COURT OF JUDICATURE

BILL—(*Lords.*)—[BILL 237.]

(*Mr. Attorney General.*)

#### THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Attorney General.*)

SIR DAVID WEDDERBURN, in rising to move "That, in the opinion of this House, it is desirable to extend the jurisdiction of the new Supreme Court of Appeal to the whole of the United Kingdom," said: I wish to say a few words as to the effect which has been produced by this Bill in Scotland; and I am desirous of doing so, because this has been in no way an exceptional but rather a typical example of the method in which Scotch business is conducted in this House. A very limited experience of the House would satisfy anyone that a country like Scotland, having distinct laws and institutions of her own and only a small number of Representatives, must labour under considerable disadvantages when any great

measure of reform is brought before the Legislature. So great do these disadvantages appear, and so hopeless is any attempt to remove them, that I and others have come to regard with great satisfaction any agreement which may tend to assimilate the laws of Scotland to those of England. Now, one of the most important influences for bringing about a gradual assimilation of the two systems has been the existence of an Imperial Court of Appeal—a Court of Law for the whole Empire. So long as the House of Lords continued to be an Imperial Court of Appeal, the tendency of its decisions was to bring about an assimilation of this kind. But if this Bill becomes law, as far as Scotland and Ireland are concerned, I think they have good reason to complain of the manner in which they have been treated throughout the whole discussion of this Bill. When the Government first introduced the Bill in "another place," no pains appear to have been taken to ascertain what might be the views of the people of Scotland in regard to the retention of the House of Lords as a tribunal for Scotch and Irish appeals only. The opinions enunciated by distinguished gentlemen a few years ago, that the House of Lords should exist as an Imperial Court of Appeal seem to be held to settle the question entirely. A few weeks ago, some steps were taken to ascertain what might be the opinion of the Scotch people on this question. The Representatives of Scotland expressed their opinions with wonderful unanimity, and the result was that the Government resolved to accept the Amendment to the Bill which was proposed by the right hon. Member for Kilmarnock (Mr. Bouverie). Then came the claim of Privilege put forward by a distinguished lawyer in "another place," and although Government and all its supporters stigmatized this claim of Privilege as untenable and preposterous, still they resolved to concede the point for which the claim was set up; and once more, in accordance with the advice of the right hon. Member for Kilmarnock, the course of the Government was changed, the Bill was not re-committed, and Scotland and Ireland were excluded from its scope. Now, Sir, I think that this is rather a typical than an exceptional example of the method of conducting Scotch business. In order to find an

other example, we need go no further than the Rating (Liability and Value) Bill. In that case also, Scotland is left out in the cold till a more convenient season. I may be told that we are to have a measure of our own to deal with the subject; but we know by experience what that means. It will not be a great Ministerial measure, taking precedence of all others; but it will be in the hands of the right hon. and learned Lord Advocate. It could not possibly be in abler hands; but unfortunately the Lord Advocate is not a Cabinet Minister; and he seems to be very little consulted when the Government Orders of the Day are arranged. No doubt, the Bill will appear on the Notice Paper; but possibly it may be discussed in the small hours of the morning, or, if it is particularly fortunate, it may get a Morning Sitting in the month of July. There is, however, one course which, if the Government would undertake to pursue, would reconcile me to the present state of affairs. If we could receive a promise from the Prime Minister that next Session a measure will be introduced affecting Scotland, and not dealing only with the case of the ultimate appeals, or even the intermediate appeals, but embracing the whole question of judicial procedure in Scotland, I think we should be satisfied for the present. And it must be borne in mind that this is a matter which has been thoroughly inquired into and reported upon recently by a Royal Commission, and that the subject has long been ripe for legislation. Should we receive an assurance of this kind, I think we might very well rest satisfied with the determination to which the Government has come, to pass this Bill, leaving out of its scope entirely both Scotland and Ireland. Failing such an assurance, it seems to me that, so far as the Scotch people are concerned, we shall be placed at a disadvantage by the Bill, and therefore I shall feel it my duty, by way of protest, to ask the opinion of the House upon the question. On the other hand, if I were to ask the House to vote upon this question, I need hardly point out that the Amendment of which I have given Notice is in no sense a hostile Amendment to the Bill, but rather a supplement to it, taking it for granted that the Bill will pass into law. If it were to be accepted by the House it need not delay the Bill at all. It would

merely ensure that next Session, before the Bill should have come into legal operation, Scotland also might reap the advantage of this new tribunal of appeal which Parliament in its wisdom has thought proper to provide. I beg to move the Motion that stands in my name.

MR. ANDERSON, in seconding the Amendment, begged to say that he cordially concurred in what had been so well stated. He hoped it would not be forgotten that Scotland and Ireland had consented to forego their just claims in order to allow the Bill to become law. The House of Lords had always been considered the last Court of Appeal by the people of Scotland, and they did not wish to see any change effected; but the moment the prestige of that House was taken away in the case of English appeals, it became plain that its jurisdiction over Scotch and Irish cases must be given up. He hoped, therefore, the Government would pass a law making one Court of Appeal for the three countries, so that they might be all together, as they were before. It would never do for Scotland and Ireland to go to the House of Lords, and England to go to the Court of Appeal. Another grievance they had to complain of was that Scotch measures were never taken till 2 or 3 o'clock in the morning. He knew that there was a general opinion that Scotland by some final arrangement got whatever she wanted. He could assure the House that was far from being the opinion in Scotland. There was hardly a day in which there was not a leader in the Scotch journals stating that Scotch Members were "a set of incapables" and that they did not unite in the way in which Irish Members did. Well, it gave great annoyance to Gentlemen to make themselves troublesome; but they were urged to take a different course from what they had taken, and he hoped the Government would not forget to reward them for their past forbearance.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable to extend the jurisdiction of the new Supreme Court of Appeal to the whole of the United Kingdom,"—(Sir David Wedderburn,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

*Sir David Wedderburn*

MR. DIMSDALE, as one of those who thought that Scotch and Irish, as well as English, appeals ought to be dealt with in the same measure, would vote for the Amendment if the hon. Baronet went to a division.

MR. DELAHUNTY said, all parties ought to unite in urging upon the Government the propriety of taking up next Session the question of equality of laws with regard to trade and commerce between the three countries.

MR. GLADSTONE was sorry with regard to the complaints in reference to the treatment of Scotch business that the only consolation he could give that country was, that it was not singular in its misfortune, others being in a position just as bad. The real question was, whether Scotland was equitably treated as compared with other portions of the United Kingdom. The hon. Member thought that Scotland suffered from the Lord Advocate not being a Cabinet Minister; but the Chief Secretary for Ireland was a Cabinet Minister, and were the Irish Members better contented than the Scotch as to the manner in which their interests were upheld? The Lord Advocate, though not a Cabinet Minister, endeavoured to secure for Scotland a full share of the consideration of Parliament and the Government. As for giving a pledge that the question of Scotch Appeals should be dealt with next Session, it was a rule of his never to give an unconditional pledge six months in advance, and there was nothing as to which Parliament should be more on its guard than in allowing a Government to escape from present difficulties by drawing Bills on a future Session. But with this reservation, he would state frankly that he thought the case was one in which his hon. Friend would hardly require an assurance from him in order to satisfy the hon. Member that the Government were most anxious to follow up, extend, complete, and consummate the present measure by the extension of similar principles to Scotland and Ireland. He trusted that the hon. Member would be satisfied with that declaration and desire on the part of the Government that they would complete the entire work. It was plain that the Government regarded their work as incomplete till the present scheme was extended to the other two countries, so that one and the same system of judica-

ture might prevail over every portion of the United Kingdom.

Amendment, by leave, withdrawn.

Main Question put, and *agreed to.*

Bill read the third time, and *passed.*

ELEMENTARY EDUCATION ACT (1870)  
AMENDMENT, &c. (*re-committed*) BILL.  
(*Mr. William Edward Forster, Mr. Secretary  
Bruce.*)

[BILL 245.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 4 (Power of Local Government Board as to relief and guardians) *agreed to.*

Clause 5 (Confirmation of orders as to elections, &c.) *agreed to.*

Clause 6 (Election of school board).

MR. DIXON moved, in page 2, line 31, before "the principal Act," to insert "a school board shall be formed in every school district or united school district, and."

MR. W. E. FORSTER said, he could not accept the Amendment.

Amendment *negatived.*

Clause *agreed to.*

Clause 7 (Overseers to allow inspection of rate books and otherwise assist returning officers) *agreed to.*

Clause 8 (Amendment of 33 & 34 Vict. c. 75, s. 91, as to corrupt practices at elections).

MR. F. S. POWELL moved, in page 3, line 24, to leave out the words disqualifying "from holding any municipal office" a person convicted of bribery under this Act. He thought such a provision went beyond the scope of the Bill.

MR. W. E. FORSTER said, the provision was the same as that contained in the Municipal Corporation Act and other statutes, and it was considered desirable that it should be extended to elections under the Elementary Education Act.

MR. F. S. POWELL considered the explanation satisfactory.

Amendment, by leave, withdrawn.

Clause *agreed to.*

Clause 9 *agreed to.*

*Miscellaneous Amendments of 33 & 34  
Vict. c. 75.*

Clause 10 (Amendment of 33 & 34  
Vict. c. 75. s. 57, as to loans).

MR. COLLINS (for Mr. SALT) moved an Amendment, to the effect that the Education Department should not consent to an increase of school accommodation unless it was proved to their satisfaction that the proposed buildings were necessary to supply sufficient school accommodation for the district. He understood there had been instances in which, notwithstanding the existing schools were sufficient for the neighbourhood, the boards erected schools in opposition to them. He considered the time for the repayment of loans should be reduced from 50 to 30 years.

Amendment proposed,

In page 4, line 7, after the word "fund," to insert the words "Provided always, That no such consent of the Education Department shall be granted unless proof be given to their satisfaction that the additional school accommodation which it is proposed to provide, and the works which it is proposed to execute, are necessary in order to supply a sufficient amount of public school accommodation for the district."—(Mr. Collins.)

Question proposed, "That those words be there inserted."

MR. MUNDELLA opposed the Amendment. He objected to any such limitation being put upon the power and discretion of the school boards. There might be ample accommodation in a large place, and yet the bulk of it might be on one side of the town, where it was least required, and not on the side requiring it most; so that if additional accommodation were not provided in the poor quarter children might be compelled to walk two or three miles to school, or to go without education. He thought, too, the limitation of eight cubic feet too small for each pupil.

MR. SCOURFIELD believed that any body of men required to be limited in expending other people's money. Hitherto they had been discussing matters of sentiment; but now they had come to the administrative part of the Bill, and its success depended on the caution, the care, and the forbearance with which it was carried out. The remark made in one of the daily papers respecting an eminent Prelate, whose untimely death they all deplored, that

though he might have many opponents he had no enemies, was applicable to the right hon. Gentleman. But whatever might be the kindness and courtesy of the right hon. Gentleman, the subordinate members of the Education Department were not necessarily equally conspicuous for those qualities. He wished to check extravagant expenditure, whether promoted by boards, or by the Education Department. They were building accommodation for more children than they had really to get educated. In one place a demand was made for accommodation for 450 children, and when the inhabitants remonstrated, on the ground that there were not so many children in the district, they were told in reply that it was likely large numbers of the labouring classes would settle there and beget families, so that the Department, not content with administration had recourse to prophecy. This was, however, only one of a series of demands, and it should be remembered that the people who found the money for the education of children expected to be treated with forbearance by the Department. Hon. Gentlemen would, perhaps, remember the story about St. Cecilia, who on one occasion while playing the organ was surrounded by a troop of little cherubs. When the saint thought they were fatigued she politely asked them to sit down—"Asseyez vous, mes enfants;" but their reply was—"Nous vous remercions, Mademoiselle, mais nous n'avons pas de quoi." This was very much the case with the children for whom school accommodation was provided. They were all floating in the air as it were, and when the schools were built they, like St. Cecilia's visitors, had not *de quoi* to sit down. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) caused some amusement a year or two ago by remarking that there was generally in every family a "superior person" who gave advice to everybody and whom everybody disliked. It appeared to him that the officers of the Education Department belonged to this class of "superior persons." In many cases good intentions had been utterly shipwrecked on the rocks of mal-administration.

MR. W. E. FORSTER defended the conduct of the officers of the Department. They had had a most difficult task to carry out in seeing that proper

educational facilities were provided throughout the country, and he believed they had executed their work in a very creditable manner. He felt confident that if the good-humoured remarks of his hon. Friend could be quite justified, there would be much greater dissatisfaction than actually existed in the country. The Amendment proposed to add to, rather than diminish, the duties of the Department; because they had hitherto thought that when application was made for their consent to a loan it should not be refused, unless very serious reasons existed against that course. He must entirely demur to the further duty proposed by the Amendment being forced on the Department. The real power to limit the action of school boards should be the feeling of their own constituents. Upon the whole, school boards had shown anxiety for the interests of their districts and the interests of education. They might occasionally have spent too much, but the parties to guard against that were their own constituents. If the Department were to attempt to control them the local bodies would refuse to be so fettered, and this would produce a result exactly the reverse of that which was desired by the Mover of the Amendment.

Mr. WHEELHOUSE quite agreed with what had fallen from the right hon. Gentleman. There had been remonstrances made in some districts by local bodies against planting school boards in places in which there was already sufficient school accommodation, and they did not want to put their hands into the pockets of the ratepayers unnecessarily. There was not always an accurate knowledge in London with respect to local requirements.

Mr. W. E. FORSTER said, that in the particular case alluded to—namely, that of Leeds, the Government took care to obtain local knowledge not only from the memorialists, but from the Inspector.

Mr. GATHORNE HARDY said, that it was an important question whether a Board elected for a short period should be allowed a practically unlimited power in laying enormous burdens upon the ratepayers which could not be shaken off for 50 years. There ought to be some check, and the Vice President ought not only in the first instance to inquire into the sufficiency of the school accommodation, but should keep up that

supervision, so that the parishes should not be overloaded with pecuniary liabilities.

MR. CARTER explained that in the case of Bramley, near Leeds, there was a very rich incumbent who had erected schools, but the Dissenters refused to send their children there; and that was the reason that the school board of Leeds, which was quite impartial, established a school; and no sooner was it opened, than it had an attendance of 300 children.

MR. SCOURFIELD said, that by the Act, if a district required an inquiry, they would have to pay the expenses.

MR. HEYGATE considered that the action of the Education Department had not been in accordance with the pledges given by the right hon. Gentleman the Vice President of the Council, to the effect that "the greatest care should be taken in carrying out the new system not to destroy in building up—not to injure the existing system in establishing a new one." He had only, in proof of this, to point to the case which he had alluded to on a former occasion, in which—there being ample school accommodation—the school board had proposed to provide a new school at the expense of the ratepayers, the effect being that if the additional school proposed by the school board at Keyham were to be sanctioned and built, there would be school accommodation for 374 children out of a population of 749; nor had the ratepayers any security against wasteful expenditure after they had once elected a school board. In the case in point, three of the five members of the school board who had voted for the new school had not even a £10 qualification, and yet they were attempting to saddle the parish for 50 years with the interest of a loan—to be repaid out of the rates to which they contributed next to nothing—for a purpose declared by the Government Inspectors to be unnecessary! This state of things was calculated to create discontent among the ratepayers. The proposition of the hon. Member for Stafford (Mr. Salt) hit a serious blot in the Act of 1870, and unless it were removed by some such Amendment as was now proposed, it would cause justifiable indignation throughout the country, and seriously retard the cause of education which his right hon. Friend had so much at heart.

MR. W. E. FORSTER said, that the case in question was a much disputed one, and was the subject of a voluminous correspondence and much consideration. Inquiry had been made into the sufficiency of the school accommodation, and it was maintained by the board that a school for 180 or 140 children was required, and they provided one for 150. If the Amendment were passed to a division he hoped the Committee would reject it.

MR. SALT replied to the objections made to the proposal, and contended that the Amendment was absolutely necessary in the interest of the rate-payers, in order to deprive the school board of the power of taxing the people without any appeal, for the establishment of additional school accommodation in places where it was not required. These country school boards had in reality power to inflict taxes not only of 3d. in the pound, but of 6d. or 9d., or even 2s. or 3s. in the pound. Unless some modification was made in the present system the cause of education would become unpopular in the country, and matters would be placed in a worse position than they were before.

Question put.

The Committee divided: — Ayes 71; Noses 116: Majority 45.

Clause agreed to.

Clauses 11 to 19, inclusive, agreed to.

Clause 20 (Notices for purposes of Elementary Education Acts).

MR. J. G. TALBOT objected to the penalty of 40s. which the clause imposed for tearing down or defacing any new notice affixed in pursuance of the Act.

MR. W. E. FORSTER said, the reason why the penalty was put in was, that the notices had in some cases been torn down, and it seemed desirable to prevent it.

MR. REED remarked that in the metropolis it required constant supervision to see that they were not torn down, in order that the conditions of the Act might be complied with.

Clause agreed to.

Clauses 21 and 22 agreed to.

Clause 23 (Regulations as to legal proceedings).

MR. DIXON moved, in page 8, to leave out sub-section 3, which said that—

"In any proceeding for an offence under a by-law the Court may, instead of inflicting a penalty, make any order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the by-law."

He moved the Amendment at the request of the clerk to the school board at Birmingham, who had been a school-master for a great number of years, and who was of opinion that the law would be made so lenient by the sub-section that it would not be sufficiently effective on the parents of the children. An offence against it was to be proved at the expense of the school board, and when that was done it was a mockery, which only encouraged further neglect of the law if the parent was again to be only warned.

MR. CANDLISH said, he hoped the right hon. Gentleman would retain the sub-section, as it was desirable that cases under the Act coming before a magistrate should be dealt with leniently, since otherwise the Act itself would be defeated.

MR. W. E. FORSTER observed, that the sub-section had been introduced in the hope and belief that the mere warning by the magistrate, without the actual punishment, would be sufficient to enforce attention for the future to the requirements of the Act.

MR. W. H. SMITH said, he was satisfied that to attempt to enforce compulsion with severity would not operate satisfactorily. There were domestic afflictions and difficulties, and if they were to enforce the attendance of children of the poor five days of the week, the result would be a breaking down of the Act. What they wanted to do was to secure, as far as possible, the co-operation of all the schools, and to induce the largest possible number of children to attend the schools. He wished that a power was given under the Act to say to the children—"You must attend school three days in the week;" and in thus giving them an opportunity to work half time they would secure better attendances, and turn the children out in a manner better able to get their bread than they would be if forced to attend five days in the week.

**Mr. W. E. FORSTER** said, he had been for some time considering whether it would not be possible to have some such arrangement as that now proposed—a mode which was in accordance with the views of a distinguished lady who felt very great interest in the education of the children of the poor—he meant Lady Burdett Coutts. If his hon. Friend would draw out a scheme, or if the London School Board would take the matter in hand, he would promise to give it his most serious consideration previous to preparing the next Code. With regard to the Amendment, he hoped after what had taken place his hon. Friend would not press it.

**Mr. J. G. TALBOT** said, by-law 4 of the London School Board provided that children over ten receiving permission from the School Board need only attend half time, or during ten hours a-week instead of 20, or five school times a-week instead of ten. The Vicar of Sydenham (*Mr. Legge*) said in reference to this, that of children, both boys and girls, above ten years of age, beneficially and necessarily employed, there was no lack in a place like Sydenham; but either the schools must lose considerably by admitting them—because they could not ordinarily make up the requisite attendance—or they must close their doors upon them. The latter course would be a hardship to the children, and would inevitably bring the school into collision with the School Board, whose visitor would be constantly bringing the parents before the Board to answer for their neglect. He was, therefore, glad to have heard the promise of the right hon. Gentleman.

. Amendment, by leave, withdrawn.

**Mr. J. LOWTHER** said, there was a sub-section in the clause—sub-section 4—which proposed to give power to the magistrate to impose a penalty of 20s. on a poor man who failed to send his child to school. It was, in fact, a proviso to enforce compulsory education, and he would move an Amendment to strike that proviso out of the Bill. This was an Act to impose penalties on parties who did not comply with a by-law to send their children to school. He ventured to say that such a proviso as that would never be acted upon; and he did not think it would be to the credit of the House to allow such a proviso to

pass. Let them look at the penalty of 20s. enforced upon a poor man. Every hon. Gentleman must know that to enforce such a penalty must result in sending the poor man to the treadmill.

Amendment proposed, in page 8, to leave out from the word "by-law," in line 22, to the words "A certificate," in line 30.—(*Mr. James Lowther.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

**Mr. W. E. FORSTER** said, he thought the sense of the House and the country was greatly in favour of these compulsory clauses. Where a parent would not produce his child it was very reasonable that a fine of 20s. should be enforced on the parent. His hon. Friend said that implied the power of sending the parent to the treadmill; but there was nothing about treadmill in the clause. He did not think the clause ought to be altered.

**Mr. HERMON** asked, whether it was intended to leave the option to the magistrates of summoning either the employer or the parent; because it would be extremely unfair in many cases that the employer should be summoned in the first instance?

**Mr. W. E. FORSTER** said, he did not think the clause ought to be altered. It merely provided that the child must be got at if he did not attend school, and the matter might fairly be left to the discretion of the magistrates.

**Mr. WYKEHAM MARTIN** said, the parent was to be fined if he failed to produce the child before the magistrate.

**Mr. SCOURFIELD** said, if this compulsory clause were really intended to be enforced, many parents must be sent to gaol. But if it was not intended to be enforced, the House ought not to pass it.

**SIR GEORGE JENKINSON** said, a fine of 20s. could not be enforced on poor parents without inflicting great hardship. After what they had heard of the want of discretion in clerical magistrates, it was only right that the point should be defined.

**Mr. W. E. FORSTER** said, the magistrates would have the power of inflicting a fine of not exceeding 20s., therefore they could impose a fine of only 6d.

SIR GEORGE JENKINSON observed that even so, the cost might be 10*s.* or 13*s.*, and as many a poor parent of a large family could not pay that amount, he would be sent to gaol in default of payment.

MR. R. N. FOWLER said, it would be better to make the fine 5*s.* instead of 20*s.*

MR. COLLINS said, the fine was not an arbitrary one, but was only to be imposed when a parent wilfully defied the law.

Question put.

The Committee divided :—Ayes 138 ; Noes 36 : Majority 102.

MR. ASSHETON CROSS moved to leave out sub-section 7, as it threw the burden of proof upon the parent that the school to which he sent his children was a public elementary school under the Act. He quite agreed in the object of the sub-section, that parents should not be allowed to evade the penalties under the Act by sending their children to a sham school. The proof, however, should rest on the prosecutor.

Amendment proposed, in page 8, to leave out from the word "age," in line 40, to the word "Where," in page 9, line 7.—(Mr. Cross.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. VERNON HARCOURT said, he would support the Amendment if the hon. Gentleman divided on it, as it was now the rule to try and get rid of all such ridiculous doctrines as that a man should be considered innocent until he was proved guilty. They had improved upon all that, and last week passed a Bill (the Salmon Fisheries Bill) which required a man in whose possession pickled salmon was found to account for how he came by it, and to show when and where it was caught, and where it had been pickled.

MR. W. E. FORSTER asked how the prosecutor could prove the charge against parents? He could only show that the school was inefficient by obtaining a right of entry to it at all times, which would be a greater invasion of liberty than could result from the provision objected to. He hoped the Amendment would not be persevered

with considering the lateness of the hour, and the desire to advance the Bill at that period of the Session.

SIR CHARLES ADDERLEY observed that the Amendment did not at all strike at the principle of the clause. It would only throw the burden of proof that the school was efficient upon the prosecutor, not upon the defendant, and that was the principle of the criminal law.

Question put.

The Committee divided :—Ayes 90 ; Noes 69 : Majority 21.

Clause agreed to.

Remaining clauses agreed to.

MR. DICKINSON moved after Clause 4 to insert the following clause:—(Constitution of committees of boards of management).

MR. W. E. FORSTER said, that the clause was one of enormous scope, which would, if carried out completely alter the constitution of the voluntary schools. He would appeal to the hon. Member whether such a clause could fairly be entertained at this period of the Session, and whether it would not be better to endeavour to attain the end proposed by means of a separate Bill?

Clause, by leave, withdrawn.

MR. HEYGATE moved the following clause :—

(Three years to be substituted for twelve months.)

"And whereas by Schedule 2, Part 2, of 'The Elementary Education Act, 1870,' it is provided as follows:—' If a resolution for application for a School Board is rejected, the resolution shall not be again proposed until the lapse of twelve months from the date of such rejection,' and it is expedient to extend the said period of twelve months to three years: Be it enacted, 'That three years shall be substituted for twelve months in the above mentioned part of the said Schedule.'

Clause—(Mr. Heygate,)—brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. W. E. FORSTER opposed the clause, on the ground that it would only apply to one or two places, and no case had been made out for it. There were few places in which people would like to keep up excitement in a village by making repeated application for a school

board after they had been once or twice rejected.

Question put.

The Committee divided:—Ayes 39; Noes 96: Majority 57.

LORD EDMOND FITZMAURICE moved the following clause:—(Conditions of Parliamentary grant to schools other than board schools).

Clause—(*Lord Edmond Fitzmaurice*)—brought up, and read the first time.

Motion made, and Question proposed, “That the Clause be read a second time.”

MR. W. E. FORSTER said, he thought the clause could not be entertained in this Bill, inasmuch as it reopened all the difficult questions which had been settled by the Act, and if they were re-opened additional Amendments would have to be made. No doubt, there were arguments for and against the clause; but it was not desirable to reopen the question to which it referred.

MR. GLADSTONE expressed a hope that the clause would not be pressed, as no discussion which could now be raised on the matter of public educational grants would be satisfactory.

MR. DIXON said, he would support the clause.

LORD EDMOND FITZMAURICE said, he must put the House to the trouble of a division, in order that there might be some record of its opinion on the subject.

Question put.

The Committee divided:—Ayes 24; Noes 85: Majority 61.

MR. REED moved the following clause:—(Returns by Schools to School Boards).

MR. F. S. POWELL opposed the clause on the ground that it would entail additional trouble on the masters, who were already under-paid.

MR. W. E. FORSTER supported the clause on the ground that its object was to increase attendance at the schools.

Clause agreed to, and added to the Bill.

MR. M'ARTHUR moved the following clause:—(Conditions on which School Board may accept transfer of school).

MR. W. E. FORSTER said, he could not accept the clause, and hoped it would not be pressed to a division.

Clause, by leave, withdrawn.

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MR. MUNDELLA said, he would not now move the insertion of a clause which he had intended to move in reference to compulsory attendance at school; but he gave Notice that early next Session he should move for leave to bring in a Bill to enforce compulsion generally.

House resumed.

Bill reported: as amended, to be considered upon Thursday.

#### CONSTABULARY FORCE (IRELAND) BILL.

Resolution [July 21] reported;

“That it is expedient to authorise an increased rate of Pay, out of moneys to be provided by Parliament, to the Members of the Royal Irish Constabulary, not exceeding such sums as may be fixed by any Act of the present Session.”

Resolution agreed to:—Bill ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 257.]

#### DEFENCE ACTS AMENDMENT BILL.

On Motion of MR. CAMPBELL-BANNERMAN, Bill for the amendment of the Defence Acts 1842 and 1860, ordered to be brought in by MR. CAMPBELL-BANNERMAN, Mr. Secretary CARDWELL, and Sir HENRY STOKES.

Bill presented, and read the first time. [Bill 255.]

#### LOCAL RATES AND TAXES (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to amend in certain respects the Law relating to Local Rates and Taxes in Scotland, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 256.]

House adjourned at Two o'clock.

#### HOUSE OF COMMONS,

Wednesday, 23rd July, 1873.

MINUTES.]—SELECT COMMITTEES—Report—Wild Birds Protection [No. 338]; Cape of Good Hope and Zanzibar Mail Contract [No. 334].

PUBLIC BILLS—Resolution reported—Ordered—Post Office Telegraph Services [Loan]\*.

Ordered—First Reading—East India (Great Southern of India and Carnatic Railway Companies)\* [259].

First Reading—Representative Councils in Counties (Ireland)\* [268].

Second Reading—Household Franchise (Counties)\* [3], debate adjourned; Colonial Church\* [248].

Third Reading—Extradition Act (1870) Amendment\* [220], and passed.

Withdrawn—Burials\* [9]; Settled Estates\* [71]; General Police and Improvement (Scotland) Acts Amendment\* [200]; Railways Amalgamation\* [227].

ORDER—ALTERATION OF QUESTIONS  
BY THE CLERKS AT THE TABLE.  
THE PERSIAN CONCESSIONS TO BARON  
REUTER.

## OBSERVATIONS. QUESTION.

MR. BAILLIE COCHRANE, in rising to ask the Question of which he had given Notice, said, that as it concerned a concession of a most important character granted by the Shah of Persia to Baron Reuter, he had inquired of the Speaker whether, under the pressing and extraordinary circumstances of the case, and considering that they had arrived at nearly the end of the Session, he (Mr. Baillie Cochrane) might be allowed to take an exceptional course in moving the Adjournment of the House, in order to be enabled to enter into a statement upon the subject. The right hon. Gentleman, with his usual courtesy, assented to his doing so. Having, however, subsequently spoken to the noble Lord the Under Secretary of State for Foreign Affairs in relation to the matter, the noble Lord expressed the opinion that, inasmuch as the question was of an extremely important character, it ought not to be brought forward in the absence of the Prime Minister. Under those circumstances, he (Mr. Baillie Cochrane) must decline going fully into the subject until Friday next, when he trusted that the right hon. Gentleman at the head of the Government would be present and be able to give the House a satisfactory explanation upon it. In the meantime the Speaker struck out of his Question as he had framed it two words—namely, “extraordinary” and “dangerous.” He should be sorry to insert any words in his Question that would be deemed objectionable by the Speaker of that House; but as to the word “extraordinary,” he had the high authority of Lord Carnarvon for its use, that noble Lord having used the word in “another place” in connection with the subject; and although he believed there was no man of higher honour or intelligence, or more thoroughly English in his principles than Baron Reuter, nevertheless he considered the word “dangerous” applicable to the powers which the concession would confer upon that gentleman. [Cries of “Order!”]

MR. SPEAKER said, that the words referred to by the hon. Member were struck out of his Question by his au-

thority, as inconsistent with the Rules of the House applicable to Questions; consequently, the hon. Member could not then comment upon them.

MR. BAILLIE COCHRANE then asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government had any knowledge of the negotiations entered into between the Shah of Persia and Baron Reuter before these concessions were granted to the latter; and, whether any Correspondence has taken place between the Foreign Office and Her Majesty's Minister at Teheran respecting these concessions; and, if so, whether it will be laid upon the Table in time to enable the House to consider it before the Prorogation?

VISCOUNT ENFIELD: Sir, Baron Reuter says in his letter of 12th September, 1872, just laid before Parliament, that about a month before that date he had privately communicated to Lord Granville the fact of a concession having been granted him. The concession in question bears date July 25th, 1872. The first intimation received by the Foreign Office of this concession being in agitation was contained in a despatch from Teheran, dated July 9th, and received in the Foreign Office, August 30th, 1872. A Copy of this concession was received at the Foreign Office on the 28th October, in a Despatch bearing date September 12th.

BELGIUM—ARMY RE-ORGANIZATION.  
QUESTION.

SIR GEORGE JENKINSON asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have interchanged any communications with the Belgian Government, or any of the other powers who have guaranteed with this Country the neutrality of Belgium, on the subject of the proposed re-organization of the Military Forces of Belgium; and, if so, whether there is any objection to such Communication and any other Correspondence on the subject being laid upon the Table of the House?

VISCOUNT ENFIELD: I believe, Sir, that no communications or correspondence have passed between Her Majesty's Government and the Belgian Government, or any of the other Powers who have guaranteed with this country the neutrality of Belgium, on the subject of

the proposed re-organization of the military Forces of Belgium.

**AGRICULTURAL LABOURERS MEETING—ALLEGED DISTURBANCES AT LEIGHTON BUZZARD.—QUESTION.**

LORD EDMOND FITZMAURICE asked the Secretary of State for the Home Department, If he has power to take any notice of the riotous proceedings which have been lately described in the daily papers as having recently occurred at Leighton Buzzard in Bedfordshire, on the occasion of a meeting of agricultural labourers, where it is alleged that the speakers were assaulted by a number of intoxicated persons, and a riot took place in consequence ; and if his attention has been called to the conduct of the local police, who it is stated not only did not protect the speakers from violence, but previous to the meeting had announced their intention of not doing so, while one of the constables by offering to fight one of the speakers materially increased the disturbance ; and, if it is not in his power to take any notice of the above facts, to ask if he will next Session introduce some measure giving the Home Office the necessary powers to protect the right of public meeting, and thereby remove the belief which is being extensively disseminated by various persons in some of the country districts that an attempt is being made to put down the movement at present going on among the agricultural labourers by physical force, with the connivance of the local authorities ?

MR. BRUCE : Sir, as I only saw this Question a few moments before entering the House, I cannot give a very specific answer to it. I do not know upon what authority the noble Lord has made this statement ; but I presume that no hon. Member of the House would put such a Question without having taken some pains to ascertain the accuracy of the statements contained in it. I may remind the House that these statements in newspapers are often only the embodiment of flying rumours, and on examination are frequently found to be very inaccurate. I have received no information on the subject, nor do I know whether the statements on which the noble Lord relies are well founded ; but assuming for the moment the accuracy of the statements just made,

I may say that the Secretary of State has power to notice riotous proceedings of this kind, and that if such proceedings occur it is his duty to call the attention of the magistrates to them. Further, if the police behave in the manner here imputed to them, the persons who have so misconducted themselves are subject to punishment, and those who are responsible for not preventing a riot which they might have prevented would be subject to the observation of the magistrates, which would be severe or otherwise, according to the circumstances of the case. The noble Lord also asks whether I am prepared to bring in a Bill next Session to afford further protection to the right of public meeting, and to enlarge the powers of the Home Office for that purpose. My answer is that I cannot undertake to bring in any such Bill, nor do I believe there is any necessity for it. The local authorities are armed with sufficient powers to prevent or suppress a riot. Wherever a riot is apprehended, the magistrates are enabled to call in aid all the force of the county ; and if that is not sufficient, they may communicate with the Home Office to obtain assistance from the central authority. If the magistrates neglect their duty, or if they connive at the riot or refuse to take the necessary means to suppress it, it is in my power, and in the power of any resident in the district, to make representations on the subject to the Lord Chancellor, and no doubt the Lord Chancellor would do his duty in the matter.

**HOUSEHOLD FRANCHISE (COUNTIES) BILL—[Bill 3.]**

(*Mr. Trevelyan, Sir John Trelawny, Sir Robert Anstruther, Mr. Osborne Morgan, Mr. Andrew Johnston.*)

**SECOND READING.**

Order for Second Reading read.

MR. TREVELYAN, in moving that the Bill be now read the second time, said : Sir, when a private Member rises to introduce a Bill which proposes to enact changes that will seriously modify the character of our electoral bodies, and through them may ultimately affect the composition of the House itself, he must, indeed, be presumptuous if the magnitude of the task which he has undertaken, as contrasted with his own abilities

and his own personal standing and reputation, does not weigh upon his mind far more painfully than can be expressed in words of conventional apology. It is fortunate, therefore, that every great constitutional measure which has in the end been carried into law by the action of a responsible Ministry has been preceded by Bills and Resolutions, and, in most cases, by a long succession of Bills and Resolutions, brought forward by unofficial Members of Parliament. But it is, as far as I am concerned, a piece of still greater good fortune that the most important of all such measures—the Reform Bill of 1867—was, as far as the reduction of the franchise was in question, prefaced by Bills introduced by two hon. Gentlemen who are still amongst us, and whose character for disinterested and unpretending devotion to public ends is so well established and so fully recognized on both sides of this House, that it may serve at once as an example and a protection to all their imitators and successors. Henceforward anyone who directs the attention of Parliament to a question of first-class importance must earn his excuse by doing his best to copy the hon. Member for East Surrey (Mr. Locke King) and the hon. Member for Leeds (Mr. Baines) in subordinating himself to his work, and in endeavouring to compensate for his deficiencies by sincerity of purpose. The two hon. Gentlemen were successful, but were successful in different measures; for, while the hon. Member for East Surrey got something, but only something, less than he asked, the hon. Member for Leeds had his cup filled to overflowing, for he not only enlisted on his side the Leaders of his own party, but obtained from the late Government much more than he demanded—I will not say more than he desired. But the thoroughness with which the work of enfranchisement was accomplished in one-half of the country has placed the other half in a position relatively so disadvantageous, that probably no man believes that the present state of things will continue for another generation, and very few, that it will continue for another Parliament. The Reform Bill of 1867 gave every householder in towns, or rather in some towns, the prospect of a vote. It gave the householders in the counties nothing but a sense of grievous inequality. It is hardly too much to say that, as far as England outside the

boundary of Parliamentary boroughs is concerned, there would have been less discontent and less desire for further legislation if there had been no Reform Bill at all. For, by the manner in which it dealt with the franchise in boroughs, the Legislature sanctioned the principle that any man who can by manual labour pay his way and keep a house over the head of himself and his family, is entitled to a voice in the government of the country. And having declared that opinion in the solemn and unmistakeable language of the statute book, Parliament then, by way of a boon to the country population, proceeded to increase by some 25 or 30 per cent the number of electors of the class which had always possessed the franchise, but refused to go beyond that point, and did not, intentionally and of design, impart the suffrage to a single member of the class which it was enfranchising wholesale in the boroughs. I say, intentionally, because in the year 1866, when introducing his Reform Bill, the present Prime Minister, who was then most deeply interested in detecting and consulting the intentions of the House, made some remarks which are in a high degree authoritative, coming as they did from him at a time when his mind was full of a mass of electoral statistics such as never was collected before, and such as we may safely venture to say will never be collected again. Wishing to reconcile a somewhat reluctant audience to his £14 rental franchise, which was pretty nearly the equivalent of £12 rating occupation which now exists, he said—

“The county constituency, when thus enlarged, will be a middle-class constituency in the same sense—nay, rather more strictly than under the present system. The number of persons properly belonging to the working classes, and having a £14 rental franchise will be so very small in number as not to be worth taking into calculation. Or, at the least, I may say that such portion of the newly-enfranchised body as may belong to the labouring class will be tenants of small holdings in land in immediate connection with the landed class.”—  
[3 *Hansard*, clxxii. 30.]

Sir, those words will never be forgotten until the day that household suffrage in the counties becomes the law of this land; for they mean that while in a borough a man who has no ambition beyond that of doing his duty in the station to which he has been called may enjoy the full privileges of a citizen, his neighbour on the other side of an im-

ginary line must forego those privileges, unless by a series of efforts which the vast majority of honest hard-working men do not feel themselves called upon to make, he can contrive to struggle out of his own class into the class above him. Now, Sir, it is this contrast of political status between persons whose social rank and whose calling is precisely the same, the special product and manufacture of our recent legislation, which is apt to escape the notice of those who criticize by anticipation the Bill which I have the honour of laying before the House. Almost every article which I have read in the Press, almost every conversation which has been addressed to me in the Lobbies, turns exclusively on the fitness of the agricultural labourer for the exercise of political power. But, Sir, the question of the county franchise never was a question exclusively of the rural labourer, and is becoming less and less so as years go on. In the year 1851 the population residing in the urban districts outside the boundaries of Parliamentary boroughs amounted to 1,700,000. Much was done to correct this state of things by the Reform Bill of 1867. Many large towns received Members of their own. Many populous suburbs were incorporated in existing borough constituencies. And yet, in spite of all that was effected by means of the creation of new seats and the extension of boundaries, the population of urban districts within the counties had risen at the last Census to stand upon 2,250,000. But, more than that, the Registrar General bids us remark, that even among the districts nominally described as rural, many, as indicated by their rapid growth, are assuming the character of towns. I am speaking below the mark in asserting that there are 3,000,000 of the inhabitants of England and Wales who are not country-folk, but townspeople in their habits, their character, their circumstances, in their ways of thought, in everything in short, except in the possession of the rate-paying household suffrage. Why should an operative who spins cotton at Bury have a vote, while the operative who spins cotton at Heywood is without one? Take the case of the population who live along the high ground that lies to the west of the Valley of the Irwell. Why should a man be deprived of a voice in the government of the country because he happens to live in that portion of the

long street which happens to be called Pendleton or Farnworth, instead of in that portion which happens to be called Bolton or Manchester? Take the case of the coal districts of Durham and Northumberland; and it is more important to take their case, because among the miners in that part of the country there is arising a very genuine dissatisfaction at their exclusion from the franchise—a movement which has spontaneously grown from among themselves, and is in no manner due to suggestion or provocation from without. I know a colliery where, if a man lived at one end of a tramway down which he runs coals to the quay, he would vote as a householder, and if he lived at the other he could only vote by turning himself into a landowner. These are difficulties which it requires no great ability or observation to start, but which it will take a great deal of acuteness to answer. It is all very well to say it is only a part of the question. It is a very large part indeed. We have to meet the case of what is virtually a town population of 3,000,000 who are labouring under a disqualification always irksome, and now made intolerable by comparison with others; a disqualification for which it is simply impossible to give them any reason, except that it is there, and they must put up with it. That is not the tone which the House is at present accustomed to use towards the working classes; and I therefore look forward with much interest to know how it will deal with a matter affecting a population larger than that of Canada, four times as large as that of Victoria, and ten times as large as that of Cape Colony, for which we have been painfully elaborating a Constitution replete with all the latest notions of political justice and civil equality. There is one method of dealing with it, to which resort has already been had more than once—which is sure to be recommended in the course of this debate—but to which it is earnestly to be hoped that the House will refuse a favourable hearing; and that is by redistribution of seats, to gather our whole town population within the limits of Parliamentary boroughs. It is a remedy which has already been carried much too far; but to carry it further would be to expose the nation to positive peril. It is bad to draw a hard-and-fast line between districts where political power rests with the masses,

and districts where it rests with the upper and middle classes; but it would be much worse if that line exactly represented the boundary of town and country. In the long run, the countries in which Government is least stable are those where the idea has become rooted that the public opinion of the nation rests exclusively in the great cities. Anyone who has carefully watched the political difficulties in neighbouring countries will know that there are weighty objections against turning men into voters by means of a wholesale creation of boroughs. A much safer remedy lies in the pages of this Bill. But hon. Members will, no doubt answer that though they are willing to enfranchise the urban population of the United Kingdom, they shrink from opening a door which would let in the entire body of agricultural labourers. Now, Sir, that is an objection which will come with a tolerable good grace from this side of the House, but of which, I am sure, we shall hear nothing from the others. There are, speaking broadly, two theories of local government in this country, both of which have had, and are having, the fairest of all trials; because, at this very moment, half the nation is living under the one, and half under the other. In the rural districts justice is administered by magistrates, in whose nomination the community has no voice, direct or indirect: county finance is managed by an *ex officio* Board in England, and an *ad valorem* Board in Scotland. Education is in the hands of benevolent and zealous men, who are under no responsibility, except to the central Government. In the towns the representatives of the people have the absolute control of finance and administration; the representatives of the people, under the Privy Council, are entrusted with the care of elementary instruction; and it is not too much to say that the community at large has an indirect means of expressing a preference in the choice of some at least among their magistrates.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. TREVELYAN resumed: It is this latter system which finds favour with the party to which I have the honour to belong, and from time to time we endeavour to introduce certain features of it into the government of the

rural districts, an attempt which is resisted by the other great party in the State, whose Members maintain that the existing state of things is the best suited of the two to the circumstances of our rural population, which under it continues to be prosperous, moral, and contented. But, Sir, hon. Gentlemen opposite have granted the franchise to the householder of the towns, who is living under a system which I will not say they disapprove, but which, at any rate, they do not regard with any special predilection. I am therefore justified in taking it for granted that they will, with greater satisfaction and a stronger sense of public security, give the franchise to the rural householder, who has existed for centuries under the influences of a system of which they are the admirers and defenders. But on our side of the House there is a good deal of uneasiness as to the results of admitting the peasantry into the electoral ranks. Now, I hope to be able to show hon. Gentlemen that there is no sufficient foundation for this feeling. To begin with, at least one-fourth of the new electors—I believe considerably more, but at least one-fourth—will not be peasants at all, but will be townspeople, to all intents and purposes, of exactly the same class and character as the present borough electors. And however high our opinion may be of those borough electors, it would be the basest and most culpable flattery towards our own constituents to pretend than in our Northern counties the labourers who till the soil are less enlightened than the labourers who work in the factories. The exclusion of the Northumbrian labourer from the pale of citizenship on the ground of personal unfitness is a standing practical libel. In solid material comfort the Northumbrian hind need envy no operative in any part of the world. As to his interest in public affairs, read the daily newspapers which you find in every cottage, and see what sort of intellectual and political nourishment he is accustomed to. Compare them with the farrago of murders and divorce cases which make up the weekly budget—that which goes by the name of news in some of our Southern towns, and then say why the habitual reader of such trash is more able to give a reason for the political faith that is in him than a shepherd or drover who takes in *The*

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*Daily Newcastle Chronicle* and *The Weekly Scotsman*. The hon. Member for South Norfolk (Mr. Clare Read) and other hon. Gentlemen are bringing in a Bill for extending the principle of the Factory Acts to the agricultural districts. I honour them for it, but as far as Northumberland is concerned, their labours are superfluous; for the Northumbrian parent is a factory law to himself. There, employers and employed alike tacitly agree that no child shall be set to work before the age of 10. And the Northumbrian gives a fair indication of his fitness for having a voice in the affairs of his country, by the common sense which he shows in the management of his own. A recent complete re-arrangement of the labour question in a large part of the county not only proves that the objects aimed at by the men were of a far more solid and honourable nature than the grasping of more money to spend in the public-house, but that the negotiation was carried through successfully with the perfect good-will of the farmers themselves. And, as in Northumberland, so it is with slight variations in Cumberland, Durham, and the other Northern counties. In Yorkshire the physical comfort of the labourer in the rural districts is fully equal to that of the South country artizan; and Yorkshire alone contains more than one-tenth of the population which this Bill proposes to enfranchise. After reading the Report of Mr. Portman, the agricultural sub-Commissioner, on the state of education in Yorkshire, I was interested in observing the answer made by one of the Members for a division of the West Riding to a question put to him at a public meeting. A constituent asked why a householder who lived in the country was not as fit to vote as a householder who lived in the town; and the hon. Member, with great discretion, said that he objected to having the question put in that shape. But that is the shape in which Yorkshiremen and Northumbrians, and people in other counties too, are beginning to put it, and some answer will have to be found. And that answer must be a better one, and more founded on justice and the facts of the case, than that in giving the franchise to Northumberland and Durham we shall at the same time, be under the necessity of giving it to Dorsetshire and Wiltshire. For, so far from the extension of

household suffrage to Dorsetshire and Wiltshire being an evil and a danger, there are weighty reasons which may be adduced to prove that it is a good in itself, good for Parliament, good for the State, best of all for the interests of the agricultural labourer. It would be good for Parliament, because as matters stand at present, there is a permanent danger of our rendering ourselves liable to the most serious charge that can be brought against a Representative body—a want of knowledge of the people whom it professes to represent. Let me refer for a moment to the movement among the agricultural labourers which began about a twelvemonth back. On the very eve of the commencement of that movement there was no mention in this House of the existence of any general discontent in the rural districts. You may read our Journals during the first part of last Session without finding any symptom whatever that within a few weeks every tongue and pen would be employed in discussing the grievances of the agricultural labourer. If so general and spontaneous a movement was brewing among the artizans of the towns, we may be sure that we should not be left to learn about it from the newspapers. It is not that Parliament has a less kindly feeling towards the country than towards the town population—I am inclined to think it is rather the other way; but whenever you give the vote to any class of men you constitute their Parliamentary Representative into an unpaid Commissioner for inquiring into their wishes, their opinions, and their condition; and as we refuse the vote to the agricultural population, we must try to get at those wishes through the medium of a paid Commission, which is the same thing as saying that, except in a superficial manner, we shall not get at them at all. But such little as we are able to ascertain respecting the real sentiments of the classes who have no vote proves to us how seriously they are misunderstood. If there is one statement more than another which has been dinned into our ears in season and out of season, it is that compulsory education cannot be applied universally, because the cottagers are averse to sending their children to school when they might be at work. But that statement, so disheartening to all who have the interest of the country at heart, is ex-

pressly contradicted by the Bishop of Manchester, when Sub-Commissioner, who tells us officially that it is the almost unanimous opinion of the labouring men, that continuous school attendance up to the age of 12 or 13 would be no detriment to a boy with a view to his future career as a farm labourer. We have been told that in the West Country labourers like to be paid part—I am sorry to say a very large part—of their wages in cider. On the other hand, one of the first resolutions passed by labour unions in country districts is, that no part of a man's wages shall be paid in spirituous liquor. Nor need there necessarily be anything incompatible between the two statements. A man is often a higher being in the exercise of a public function than as an individual; and the same poor fellow who will drink away his wife and children's bread in selfish gratification, if you give him the franchise will only be too glad of the opportunity of rising above himself, and will send to Parliament a Member pledged to remove from him the temptation of the cider truck. These are indications which prove to hon. Gentlemen that we may safely give the franchise not only to such places as Barnsley, and Keighley, and Croydon, and Luton, and Wallsend, and Accrington; not only to such counties as Cumberland and Cheshire, where wages are good and education high; but that even in what may be called the depressed districts of England there would be a great deal more to be learned than to be feared from the new voters. And the qualities in which they are deficient the possession of the franchise will give them; for there is no such potent instrument of education, whether we look to its direct or its indirect influence. The experience of all countries is that public instruction follows fast on the heels of the suffrage. In Canada the first consequence of the institution of universal suffrage was universal and obligatory education. And the impulse which the extension of the vote gives to popular education does not confine itself to the passing of a single law. In countries where the popular element is supreme, the richer and more influential part of the community have the strongest motives to see that the people are fit to govern themselves; and the consequence is that for many years past those classes across the Atlantic have been devoting

themselves to this task with a persistency and an energy of which we had no idea till the year 1867 had come and gone, and till the Chancellor of the Exchequer told us that it was high time to see about educating our masters. It is, therefore, in the character of educationists, as well as in that of politicians, that we may press forward this Bill; and in fact still more so, for I feel far more certain of the effect the household suffrage will produce on the education of the people than upon the composition of this House. We do not know on which side of the House Members returned under the new system will sit; but we do know the Representatives would continue to be chosen from much the same class which provides them at present. If this Bill becomes law, the Representatives for the counties will be the same men, but they will be actuated by new ideas and new motives, for they will have the strongest of all incentives to ascertain and express the feelings of great masses of men who at this moment have absolutely no constitutional method whatever for making known their wishes and their grievances. Some hon. Friends of mine have urged me to postpone the Bill until we see the effect of the Ballot upon the existing county constituencies. They point to the recent elections in Scotland, to the increasing boldness of the resolutions passed by Farmers' Clubs and Chambers of Agriculture, and prophesy that if we let the leaven work, within 10 years we shall have 50 tenant-farmers sitting on these benches; but that by bringing forward this measure on our side of the House, we frighten and alienate the farmers, who consider their interests as opposed to those of the labourers. But, Sir, so far from the interests of the farmers and labourers being opposed, I believe that Mr. Cobden never uttered a truer word, than when he said that the welfare of the tenantry and the labourers is identical, and that the last can never be prosperous where the former is degraded. And, Sir, if it was indeed the case that the interests of the two classes are opposite, and their feelings hostile, then the fact that the farmers were beginning to choose class Representatives for the purpose of pushing their own views, would be a contingency which would lay upon us a moral obligation of passing this Bill without the delay of

a single Session. Representative government is a rough and ready method of doing justice all round by providing all contending interests with a fair field and no favour; and the more we extend its limits, the harder it is for those who are excluded from the competition. I do not wish to renew the debate of last Session, and to show how with regard to the three great classes of measures which are devised for the benefit of those who look for their comfort to legislative enactments to an extent which the rich find it hard to realize—the country is already on average a generation behind the town. The Truck Acts, the Artizans' and Labourers' Dwelling Acts, and the Acts for preserving the children of the poor from premature and excessive labour have not even arrived at the dignity of being a dead letter in the rural districts. They do not even profess to apply there. No one can deny that in some parts of rural England there exists misery, pauperism, and vice disgraceful to the country and the century; and if we can have the advantage of hearing those who suffer speak for themselves through the mouth of their Representatives; if by the magic power of the suffrage the labourer of the country can attract to his sad condition some part of the interest that has hitherto been lavished almost exclusively on the workmen of the towns, I, for one, would gladly purchase that result by the sacrifice of not a few votes in a party division in this House. And now, Sir, I will briefly call attention to the provisions of this Bill, which, short as it is, I think will, on examination, be found adequate to accomplish the purposes put forth in the Preamble. In the first place, it has been asked why the whole United Kingdom has not been included in the same Bill? The answer is, that the franchise is of all questions that with regard to which it is wise to proceed on the old lines, and the great Acts of modern days for registration and enfranchisement, and the Bills introduced by private Members which were the forerunners of those Acts, deal separately with England and Scotland; and anyone who has attempted to master the intricacies, and I will even say the iniquities of English registration will allow that it is not Scotland that has suffered by the separation. And though the prospects of this Bill may lose some-

thing by leaving out Scotland, which some think is the strongest part of our case, those who hold that opinion will for the same reason rest assured that if the English Bill becomes law, on the *a fortiori*, or rather the *a dissuiri* principle, household suffrage is as good as assured to Scotland. And now as to the number of householders who will probably, or approximately, be enfranchised by the clause. There are nearly 2,500,000 inhabited houses in the counties of England and Wales, at the rate of 1 in 5 of the population. There are nearly 1,850,000 inhabited houses in boroughs, at the rate of 1 to 6 of the population. The 1,850,000 houses in the boroughs provide about 1,200,000 electors who vote as householders, or about 65 per cent. on the houses, and in the same ratio the householding voters in the counties would amount to 1,625,000. But there are already 800,000 county electors on the register who have to be deducted from this number, with the exception of those residing within the boundaries of boroughs, who amount to about 1 in 10 of the number. Deducting, then, the householders in counties who already possess votes, we arrive at the conclusion that this Bill would increase the constituency in round numbers by 900,000 names. These are large figures, but in matters relating to the franchise we have become accustomed to deal with large figures. We have learned by a happy experience to look not at the numbers of the electors, but at the character of the Representatives whom they elect; and we rely on the authority of the right hon. Member for Buckinghamshire (Mr. Disraeli) who, speaking with just pride of his own work, tells us that Members of Parliament are not worse citizens, and not more reckless legislators than they were when one elector voted for them where three vote now. The next two clauses of the Bill need no remark here, and will be more fitly discussed in Committee; though it is hardly necessary to observe to a House, many Members of which had the pleasure of listening to the present Prime Minister's speeches in 1867, that household suffrage would be a delusion unless we extend to the compounder in counties the full franchise and privileges that by the Act of 1869 are secured to the compounder in boroughs. The 4th clause, however, requires a short explanation. Hon.

Members for Northern boroughs will not need to be reminded that great discomfort has been caused during the last autumn by the wholesale disfranchisement of a portion of the mining population who held their houses in part payment of wages. There was a difference of opinion among the revising barristers; but where the decision was given for exclusion, the ground was that a clause had been inserted in the leases—not with any political motive, but in order to give the landlord absolute command over his property—that the occupier was "not to be deemed a tenant." The case was strengthened by the irregularity in some cases of the arrangement between the overseer and the owner; a state of things which the 2nd sub-section is designed to meet. The 3rd sub-section is less local in its operation, and will remedy a state of the law under which large numbers of persons whom Parliament intended to be voters have been unable to obtain the suffrage, while others hold it only on the condition of constant uncertainty. There is a class of voters whom it has often been proposed to disfranchise, and those are the faggot voters, under whatever qualification they are entered. Sometimes it is a fictitious rent-charge; sometimes an old house which claims to belong to so many landlords that, if they all resided in it at once, the local Board of Health would have to interfere. Sometimes a county is astonished at the appearance of a score of mysterious strangers, standing all at once in the relation of feudal superiors to some great nobleman of the neighbourhood. Sir, we have been told—and you may be very sure that we shall be told again in the course of this debate, that the franchise in the boroughs represents numbers, and the franchise in the counties represents property. But what a burlesque of the representation of property it is when a life-rent of £10 a-year is sold for a bill of £200, bearing interest at 5 per cent, the interest of which is set off against the payment of the rent; when, by means of feu-duties, you can make £1,000 worth of votes on a pig-stye—when a troop of attorneys and land agents, and gamekeepers from the other end of the island may swamp the real property, the real persons, the real public opinion of a community. There are two means of dealing with this evil—either by enforcing residence

within the county, or, by an analogy with boroughs, within seven miles of its borders; and, secondly, by destroying the qualifications under which the creation of faggot votes is carried on. In answer to hon. Gentlemen who have urged me to adopt one or another of these expedients, I reply that this is an enfranchising and not a disfranchising Bill. The Bill, however, will deal with faggot voting, indirectly indeed, but most efficaciously—for if it passes into law, instead of the faggot voters swamping the rightful electors, the rightful electors will finally and irretrievably swamp the faggot voters. Besides, the ultimate action of the measure will infallibly be to sweep away all by-franchises, whatever their antiquity. Household suffrage, like Aaron's rod, will swallow up the other qualifications, which at present can be defended on the ground that they admit fresh names to the electoral roll; but which, when every householder has the suffrage, will have no effect but that of giving more than one vote to the same person. And now, Sir, having explained both the provisions and the omissions of the Bill, I shall stand no longer in the way of a discussion which cannot fail to command great and general interest. Last year my hon. Friend the Member for East Devon (Sir John Kennaway) upbraided me with having started a subject which would be an obstacle in the way of more pressing questions already ripe for legislation. Sir, you might as well propound the theory that by increasing the horse-power of a factory you would diminish its production. Any one who compares the legislative outturn of the last four Sessions with the four years, aye, and the 20 years that preceded them, will, whatever his opinion may be as to the nature and the need of that legislation, allow that the time we spent over the Reform Bills of 1867 and 1868 has borne fruit many times over in the magnitude of our undertakings. The hon. Friend to whom I refer has put his name to a Bill for regulating the employment of children in agriculture. That Bill is very good as far as it goes; but if he came here speaking in the name not of 10,000 farmers and freeholders, but of 20,000 householders, I am confident that he would be asking us to give him direct instead of indirect compulsion, enforced

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by an effective and not a feeble and uncertain machinery; and whether the consideration of this question is, or is not, to delay Public Business for years is a matter which the House has in its own hands. It is impossible to saddle any individual with the responsibility of a measure which the nature of things is rapidly and irresistibly bringing to the front. We draw a distinction almost unknown in any constitutional country, or in our own colonies; which did not exist even here in its present invidious and aggravated form before 1867, between the inhabitants of the towns and the inhabitants of rural England. We brand our village population as if they were political pagans, just as their class were accounted religious pagans in the days of the Roman Empire. At a time when we must soon be debating questions nearly concerning their welfare, bodily, intellectual, and religious, we cut ourselves off from all acquaintance with their own opinions as to their own affairs, except such as comes to us filtered through the medium of the speeches and resolutions of self-elected politicians, responsible to no colleagues, and to no constituency, and all this we do, not because there is any reason for it in logic, in justice, or in common sense, but because it was so ruled by the wisdom of your ancestors—that is to say, because 400 years ago one of the worst Parliaments that ever sat in this country robbed the county inhabitants of their votes on the ground that—to use the very words of the Act—"being people of small substance and no value, they pretended a voice equivalent with the most worthy knights and esquires." There is a story told of Napoleon, who, in the park at Fontainebleau, noticed a sentry walking to and fro in the middle of a grass plot. On inquiry, he ascertained that in the time of Louis XIV. some young trees had been planted there, and a soldier was placed to keep off the cows. The plantation had grown up, had withered, and all traces of it had disappeared, but the sentry walked there still; and so we keep up a difference between the town and the county franchise, because in 1429 a Parliament of Henry VI. was afraid of our rural population. That fear has altogether passed away. What danger is there for us in giving the franchise to the householders? They are the heads of families, the industrious

stationary population of the country. We are accustomed to assert that the mass of our people are loyal to the Queen, tender of the rights of property, attached to the institutions under which they have the happiness to live. Well, then, by voting for the Bill, we shall prove that we believe what we say. By voting against it, we shall show that we use this language from the teeth outwards. In the hope that I have said nothing to damage a cause with regard to which my desire is that the day may come quickly for me to deliver it over to more potent and responsible hands, I beg to commit the Bill to the earnest consideration of the House.

MR. OSBORNE MORGAN, in seconding the Motion, as a county Member, said, if he had consulted his own convenience, or his own pocket, that would have been the last Bill he would have touched. County constituencies were already unwieldy enough; but inasmuch as that was a change which must come sooner or later, he thought the House might as well make up its mind. There were a number of large towns which were represented only in the counties. Why should not St. Helens, for instance, with 45,000 inhabitants, have a Representative as much as Warrington with 35,000 inhabitants? There was a time when the peasant belonged to a different class and represented a different interest; but now the urban population had overflowed into the country; and, given the same amount of education, he very much doubted whether the rural population were not quite as much to be trusted as the urban population. No danger was to be anticipated from the change proposed in the Bill; but he did see danger in 900,000 or 1,000,000 men brooding over real or imaginary grievances, and whose wrongs were aggravated by the thought that they were not to have a voice in redressing them. There had been no Sheffield rattening in the counties, or strikes, except the miserable Chipping Norton affair, of which the less said the better, and in foreign countries the peasant population who exercised the franchise were the Conservative backbone of the country. The household Parliament had turned out very much the same as former Parliaments, notwithstanding the dreary forebodings which some people had indulged in. He was not afraid of ex-

tending household suffrage, therefore, to the counties, but he thought there was some danger in excluding such a large number of men from exercising the privilege. He should support the measure, if it was pressed to a division; but he did not think it was a question which could be properly dealt with in the last few weeks of an expiring Session; it was, however, a question which was rapidly coming to the front, and one which would have to be taken in hand before very long.

Motion made, and Question proposed, "That the Bill be now read the second time."—(Mr. Trevelyan.)

MR. COLLINS, in rising to move "the Previous Question," said, that the House appeared to be placed in a position of some difficulty looking at the various Amendments placed upon the Paper against the second reading of the Bill. The fate of the attempts so frequently made by the hon. Member for East Surrey (Mr. Locke King) and the hon. Member for Leeds (Mr. Baines) showed that it was utterly useless to propose to deal with a question of this nature in a fragmentary manner, as the hon. Member for the Border Burghs (Mr. Trevelyan) now desired to do. That that was so was made evident even more recently, for in spite of the eloquence of the right hon. Gentleman at the head of the Government, the House refused in 1866 to consider the Representation of the People Bill and the Redistribution of Seats Bill separately, and not only referred both measures to the same Committee, but gave that Committee power to weld them into one. He deprecated piece-meal legislation on so important a question; for the fact was, that in dealing with the re-constitution of that House, they had to consider not only who should vote, but to take care that there was a fair representation for all the classes, for the different sentiments, and even the different prejudices that were to be found in this great community. No one could look at the present House without to some degree deplored the loss of the small boroughs which frequently returned not only men of ability, but of independence of thought. They did not require a set of dummies sent to that House to carry out the views of an ignorant constituency meeting in the market places, or a parcel of delegates returned

for the purpose of repealing the Contagious Diseases Acts, or carrying other particular crotchetts. Therefore, in considering a question of that kind they had to bear in mind that it formed only a small portion of a subject far greater, and required, if dealt with at all, to be dealt with as a whole. The consequence was, that a question of this nature brought on at that period of the Session converted the House of Commons into little if anything more than a debating society. He would, however, adduce a few instances to show how unfairly the Bill, if carried, would operate if it were unaccompanied by any proposal for the re-distribution of seats. Lincolnshire, for example, with a town population of 92,000 inhabitants, returned eight borough Members, or one Member to about 11,500 inhabitants. Its rural population of 343,000, with only six Members, would only have two Members to every 115,000 of the population. In the North Riding of Yorkshire, again, there were 10 borough Members to a population of 160,000, or one to every 16,000. The rural population of 186,000 was, however, represented at the rate of one Member to every 93,000. The West Riding of Yorkshire, too, presented a glaring example of the inequality of the town and the county representations. In the West Riding there was a very considerable agricultural population, although it was small in comparison with that devoted to manufactures. The town population amounted to 887,000, and the representation was one Member to 55,000 inhabitants in round numbers; the average of the representation of the rural population, amounting to 928,000 inhabitants, by county Members, was, in round numbers, one Member to 150,000 inhabitants. In fact, the population was represented in the comparison, as in the ratio of three for boroughs to one for counties. The admission of Representatives of the labouring classes to Parliament had been deprecated; but he was not prepared to express a belief that the effect would not be beneficial. In fact, he thought that the agricultural labourer might be properly called in to modify the power which the present law gave to the tenant-farmers. The question would have to be grappled with some time or other. He thought the country would, to a certain extent, keep

*Mr. Osborne Morgan*

up the distinction between county and borough Members; but that the tendency would be to diminish the number of borough Members and increase the number of the county Representatives. If we added 1,000,000 electors to the county roll by making the constituencies homogeneous, it was impossible to suppose that the matter could stop there. The great point was to have a system of representation that would send to Parliament the best men to make the laws; but the question was not an easy one, nor so simple as the hon. Member for the Border Burghs affected to believe. It was a question, in fact, that would not be settled until two or three Parliaments had tried their hands at it, and two or three Governments had come into office for the purpose and gone out. They must look the whole question in the face. The representation, both in counties and towns, he admitted, was eminently unsatisfactory, as it had become merely a representation of bare majorities. A large majority of the county Members sat on that side of the House, and in nearly every county both Members belonged to the same party, the effect of extending the franchise having been to make people vote more and more on the party ticket. We might advantageously take a lesson from the Americans, who had adopted a much more scientific mode of representation than ours. The matter could not be dealt with satisfactorily without a moderate re-distribution of seats, as a large number of small towns would have to be disfranchised, while additional Members would have to be given to the larger towns and the larger counties. If a Bill like the present should ever pass, together with a measure for the re-distribution of seats, he believed and hoped that we should have to adopt the cumulative vote, or some other method of proportional representation. The metropolis returned 22 Members for a population of about 3,000,000 in the metropolitan borough area. London, it might be said, was divided into 10 wards; and at the last Election, with one exception, that of Westminster, it returned Members all of a colour. There was no minority clause in operation, except with reference to the City; and under no circumstance ought the Metropolis to have the same proportion as those more distant places, for the London Members were always on the

spot, while others had a distance, sometimes a long one, to travel to the House. Taking the metropolis widely, he did not think he would be overstating the case, if he said that one-third of the electors of the metropolis would vote for Members on the Conservative side of the House. Supposing they divided Marylebone, or the Tower Hamlets, or St. Pancras, or separated Chelsea from Hammersmith, the result of increasing the number of Members without at the same time representing the minorities would be only an aggravation of the existing evil. That was not all, however, for according to *Dod*, of the four divisions into which Lancashire was divided, 25,700 electors voted for the eight hon. Gentlemen who sat for Lancashire, and 23,000 voted for those who would have sat on the Opposition benches. So that 25,700 electors returned eight Members, and 23,000 returned none. That was a system which could not be prolonged. In the three last elections in the West Riding of Yorkshire, in each case the election had been carried by the smallest possible number. In the Eastern Division, with 16,000 or 17,000 electors, the election was won by 88 votes. In the Southern Division of Yorkshire, with a constituency of 16,000, the election was won by eight votes, and in the Northern Division by 44. Other constituencies were placed in a similar position, and to pass a measure, therefore, like the present, which would give a county, say, Lancashire for instance, more Members under the present unjust system, would be to render that system unworkable, and therefore put an end to its continuance. That system was only tolerable because it came down to them from antiquity; and if it should ever be a question of really improving the representation, it would have to be done on an entirely different plan, and something more than bare majorities must be represented. The proposal to turn the town population into the rural, and have equal electoral districts, was one, in his opinion, that ought not to be entertained. When the question came to be earnestly taken in hand, it must be dealt with on an entirely new principle, and it would then be necessary that reference should be had, not to a mere numerical majority, but to the wishes of constituencies generally. He refused to regard that as a question of the mere

extension of the suffrage. In fact, the hon. and learned Member for Denbigh gave up the whole point when he said that although he should be ready to vote for the Bill, he hoped it would not be pressed to a division; thereby implying that except so far as it was a step to something more, the present measure was a mere abstract Resolution. He was sure the hon. Member for the Border Burghs would not like the question to be settled on any such unsatisfactory grounds. The time would doubtless arrive when public opinion would be ripe for another Reform Bill; but whenever the subject was dealt with at all, it must be dealt with in one comprehensive Bill, having reference to the representation of England, Ireland, and Scotland. In conclusion, he begged now to submit the Motion of which he had given Notice.

SIR JOHN KENNAWAY, in seconding the Amendment of the hon. and learned Member for Boston, said, he had placed on the Notice Paper a Motion for discharging the Order for the Second Reading of the Bill, because he did not think the hon. Member for the Border Burghs (Mr. Trevelyan) could really have intended to proceed with a Bill of that character at so late a period of the Session. He now thought, however, that instead of persevering with his own Motion, the better course would be for him to second the Amendment just moved by his hon. and learned Friend. Hon. Members had good cause to complain of being invited, towards the close of the Session, to discuss a question which at the present moment was a purely speculative one, more especially when it was considered that the discussion could lead to no practical result, as any legislative action upon it would be purely out of the question. The only thing it could possibly lead to, might be some political feeling outside the House, but he did not think it would be much. He did not think the agitation in the rural districts would be permanent, or that there was any real desire to re-open the question of reform. No doubt, there were men outside the boroughs who had held large meetings at which resolutions had been passed in favour of the Bill, and who felt themselves to be superior in intellect to many of the householders in boroughs who now enjoyed the franchise; but they were not in a hurry, for they knew the franchise

would come in good time, and they were willing to wait. There were many more pressing matters than that which Parliament was called upon to deal with. Moreover, whenever the question of Parliamentary Reform was re-opened, it must be met in a different manner from that of 10 or 12 years ago. The Parliament had admitted the householders in boroughs to the suffrage, and the country had not suffered from the change. He had always had a feeling of confidence in the people, and had never been an anti-Reformer; but with regard to the present time, he thought there never was greater cause for prudence, and it was most undesirable for the House to rush precipitately into a measure of that kind. So large a number would be enfranchised by such a Bill that it would be necessary to consider the question of the re-distribution of seats at the same time. It was impossible that the existing inequalities and anomalies of boroughs and counties should continue. When the hon. Member for the Border Burghs, however, asked the House on a July afternoon to pass such a Bill as that, he had no choice but to vote for the hon. and learned Member for Boston. At the same time, he had no wish permanently to exclude the labourers, and when the time came for enfranchising them, they must be admitted heartily to the suffrage. He could not, however, admit that the agricultural labourer had been ignored in the recent legislation because he had no vote. Many measures had been adopted by the Legislature during the last few years which had raised him in the social scale and increased his home comforts. Complaint had been made that the Artizans' Dwellings Act had not been extended to the country, but the dwellings of labourers in the rural districts would compare favourably with those in towns. A clergyman at the East-end of London told him the other day that porters and others frequently came up from the Eastern Counties to obtain employment on the railway in London. When they came up, they, their wives, and children were healthy and strong, but after they had lived in London for a short time they pined away, especially the children, so that he hardly knew them again. The great object of the promoters of the Bill seemed to be to put on more steam, in order to obtain more

legislation. Indeed, the case was like that of the captain of the steam-boat in America, who, when racing, put more steam on, and sat upon the safety-valve, with what result might easily be imagined. In order to avoid such a catastrophe he hoped that the House would be inclined to wait a little in the matter, he being anxious at the same time that all parties should be represented in a fair and proper manner.

*Previous Question* proposed, "That that Question be now put." — (*Mr. Collins.*)

MR. CADOGAN said, he represented a district of Wiltshire which contained nearly one-third of the whole population of the county—it comprised 31 parishes, 30 of which were rural and one urban—that of Swindon, where some 20,000 or 25,000 highly paid operatives in the employment of the Great Western Railway were resident. No constituency could have left greater liberty of action to their Member than his constituency had done, and he totally denied that if the franchise were extended to the labourers, they would be sending up mere delegates to Parliament. The question whether the agricultural labourer ought not to have the same franchise as his neighbours in the towns was one that required immediate settlement. When they considered to what a remarkable extent of late the intellect and freedom of the agricultural labourer had come out, he contended that he ought to, and that sooner or later he would. He believed that the public activity on this subject would increase, instead of dying out as the Conservatives fondly hoped. Hon. Members opposite deceived themselves, if they thought the public were not awake to the importance of the subject, and that the Bill was a mere clap-trap, or a pop-gun fired off on a Wednesday's sitting for political purposes.

MR. BEACH said, it was always inconvenient to attach a specific pecuniary qualification to the franchise, because whatever the amount, there were certain to be Motions in favour of reducing it to a smaller sum. Thus, in the course of years, there was found to be no convenient resting-place between the £10 franchise and household suffrage. When the freehold franchise for counties was supplemented by the Chandos Clause,

further reductions in the £50 tenancy were inevitable. Hitherto the chief qualification in counties was the freehold franchise, and it was surprising how many of the agricultural working population already possessed the franchise. When he said that, he did not grudge them the privilege, the chief objection was to their number. Admitting that still larger numbers were as competent to exercise the franchise as the householders in towns, he could not help seeing that the result of admitting these vast numbers would be that the county constituencies would become so unwieldy that they could not be managed in any way. The difficulty of conveying voters to the poll in counties was already very great, and, seeing the deficiency of polling-places, how could the householders in agricultural villages be asked to walk several miles, and give up a whole day's work in order to exercise the franchise? It was now illegal to ask these men to eat or drink anything. Directly the Legislature made the franchise uniform in towns and counties, it must face the question of electoral re-distribution. What they wanted was, that the present constituencies should be supplemented and strengthened, but not altogether swamped. The present constituencies, however, were scarcely prepared to be swept away and to see the whole of England carved out into squares. Some means must be found to lessen the preponderance of mere numbers. Whether it would be desirable to adopt the minority vote or the cumulative vote might be matter for consideration; but it would be absolutely necessary to secure the fair representation of minorities throughout the length and breadth of the land. It was not by stirring up agitation on behalf of the agricultural labourer that his interests could be best promoted, but by promoting good feeling between the tenants and labourers, and by admitting the latter from time to time to a share in the representation.

MR. DIXON congratulated the hon. Member who had introduced the Bill, on the manner in which it had been received. He rejoiced to hear so many admissions from hon. Gentlemen opposite that the agricultural labourers were as well fitted to exercise the franchise as the artizans in towns. He was glad to hear that, because, of course, they did not expect to carry the Bill that Session,

and such an expression of opinion would facilitate the progress of that kind of legislation in the future. He could assure those hon. Members that there was not the slightest jealousy of the counties on the part of the towns. He would also admit that whenever the House approached the question of a fair distribution of political power, a very much larger number of Members must be given to the counties. If the agricultural labourers were, as alleged, as intelligent as the artizans in towns and wanted the franchise, it would only be a gracious act on the part of hon. Gentlemen opposite to concede to them a position of equality in regard to Parliamentary elections. It was a question of time only. In that conviction he was strengthened by what he had seen and heard at recent meetings in connection with the new movement, which had originated with the labourers themselves, Mr. Arch, their President, being an agricultural labourer. He believed that the present discussion would hasten the settlement of that important question. With respect to equal electoral districts, he would say that just in proportion as the franchise was fairly and justly distributed in all parts of the country, rural and urban, so would the real mind of the people be represented within that House, and its power and influence as a Legislative Body would be increased.

**MR. NEWDEGATE:** Sir, the hon. Member for the Border Burghs (Mr. Trevelyan) knows that he has not the slightest chance of carrying the Bill beyond its present stage. I do not blame him for bringing the question on so late in the Session, because he was prevented from doing it earlier by the prospect of a change of Government; but, then, the House has this to consider—Can it afford to devote day after day to the function of a mere debating club? This morning an hon. Member called your attention, Sir, to the fact of there not being 40 Members present in the House. I have no doubt that he intended no disrespect to the House. Still, he was open to reproof, because by the Rules of the House, even though there may not be 40 Members present, you, Sir, must remain in that Chair until 4 o'clock; and I think that no stronger testimony could be borne to the sense of the House, that it is wasting its time to-day, than the

fact that 40 Members were not present, and that you were in danger of being left nearly isolated in the Chair. At the same time, I wish to express the strong opinion which I entertain, that any hon. Member who takes upon himself to call the attention of the House to the fact of 40 Members not being present, when you cannot leave the Chair, acts disrespectfully towards the House. I wish now to state very briefly my view of the agitation out-of-doors, whence the proposal contained in this Bill has emanated. The hon. Member for Birmingham (Mr. Dixon) is connected with that agitation, and so is the hon. Member for the Border Burghs. [Mr. TREVELYAN: What agitation?] I believe the hon. Member has attended meetings of the Agricultural Labourers Union, over which the hon. Member for Birmingham presides. [Mr. TREVELYAN: As a matter of fact, I did not attend those meetings, and I wrote, and stated that it was on public grounds, that I could not.] I am bound to believe that the hon. Member has not attended these meetings, but then a near relative of his takes an active part in the Union. Perhaps that relative was his representative on such occasions. I wish to state to the House that this union began with a real grievance. It originated in a desire to equalize and redress wages; in itself, a perfectly legitimate object; and no one has ever heard me say a single word in depreciation of that movement—though it originated in my own county, and was opposed by many Friends of mine—until its organization was applied to other purposes. Before Christmas that agitating body held a meeting in London, at which it declared itself in favour of a whole category of revolutionary change, which I do not believe to be sanctioned by the great body of those who joined it originally as a trades union for a legitimate purpose. That meeting was marked by the appearance of Archbishop Manning as a supporter of Mr. Arch in proposing that category of revolutionary change, not more revolutionary than the changes which Archbishop Manning proposed with respect to the land of Ireland, but equally revolutionary with respect to property; Mr. Arch has changed his ground, and has become distinctly a political agitator. I wish the House to observe the alteration which has taken place in the character of that agitation

to which at first I was not opposed; but I think it has now fallen into dangerous hands, and is subject to dangerous influences; and I cannot sit in this House without warning the House that a very great change has taken place in the objects and purposes of those who guide and control that organization. I think it only right that as one of the Members for the county, I should state what I have observed with regard to the marked change that has taken place in the constitution and objects of this organization. And now, with respect to the proposal before the House, I wish to say a very few words. When the Elections Bill for establishing secret voting was under discussion in this House, I expressed the opinion that the Legislature would find it very difficult to resist a proposal, first, for household suffrage in counties; and I cited the opinion of Lord Palmerston that such would be the effect of the change made by Parliament upon the character of the franchise, that there could be no security that Parliament, if it should adhere to that change, would be able to resist a further step to universal or manhood suffrage; and that Parliament would be fortunate if it stopped at manhood suffrage, because when the voting is secret no voter is in any sense a representative of others, nor indeed can be; and if a proposal is carried for the enfranchisement of women, it will be impossible to maintain in principle the distinction between women who are possessed of property and other women who have none. I venture to call the attention of the House to the opinion of Lord Palmerston on the subject, and to say nothing of my own; but I know that in America the feeling is strong respecting the dangers arising from this system; that in America, instead of advancing as we are invited to advance, all the best men are considering the means by which to retrograde. Because they see that secret voting destroys all responsibility in the voter; and when you have destroyed responsibility in the voter, you very soon destroy genuine responsibility in the representative; and having destroyed the genuine responsibility of the representative to public opinion, you destroy the confidence of the constituencies in their representatives. Thus, constitutional Government falls into that disrepute which sooner or later ends in its subversion by a despotism in

some form or other. The House will forgive my reference to America and the opinions of Americans, as well as to the opinion expressed by Lord Palmerston on this subject. I have remarked, Sir, that in the course of this debate no hon. Member has appeared to consider the question, as it is likely to affect the Commonwealth of England. What was the argument of the hon. Member for the Border Burghs? Of course, he dwelt largely on the plea for equality. Every man, who does not think that his merits are duly appreciated, is always calling out for equality; by which he means the opportunity of placing himself above his equals. That is the real feeling which is at the bottom of the cry for equality. These persons are not satisfied with equality for themselves, yet, strange to say, they are ever proclaiming their attachment to equality; and for this purpose—they wish all others to be on a dead level, that they may themselves rise above it. I have not much respect, then, for this argument of equality. I never knew two men who were exactly equal. I never knew two men who were exactly alike; and as to variety of features, let anyone look across the House. When hon. Members witness all these differences, let them ask themselves where equality is to be found. My view is, that the House is wasting time that might be better spent, because we know that we are debating a proposal which cannot be carried this Session, and that is, in my opinion, wasting the time of the House; and this the experience of the present Session and the records of the Order Book of this House prove—that, if the House desires to retain the respect of this country as a House of business, it must adopt some means by which we shall be able to avoid these inopportune discussions, and proceed with that which really is its necessary business. With respect to this proposal for establishing household suffrage in counties, I have stated before in this House, that when Parliament shall have finally decided that secret voting shall be a permanent institution in this country, thus making the vote a property personal in the man himself and not a trust to be exercised for the benefit of others and of all; when that principle has been finally adopted by Parliament, I see no means of resisting a further extension of the

suffrage; and I expect, nay, I fear, that although you may talk of household suffrage now or household suffrage then, secrecy of voting will have this inevitable result—it will tend to universal suffrage, and by universal suffrage the Constitution of this country must, according to the laws of democracy, be undermined, and if precedents go for anything, England, instead of continuing free, will lapse, as other countries have lapsed, under some form of despotism.

**MR. W. E. FORSTER:** Sir, as I intend to vote for the Motion of my hon. Friend the Member for the Border Burghs (Mr. Trevelyan), I wish, in a very few words, to state the reasons why, speaking not on behalf of the Government, but as an individual Member who has long taken a deep interest in all questions connected with the suffrage, I shall take this course. I regret, and I think we must all regret, that my hon. Friend should have been obliged to propose the second reading of the Bill at a period of the Session when it is impossible for it to receive the attention which would have been given to it at an earlier period. That is not, however, the fault of my hon. Friend. He has done his utmost to bring forward the Bill much earlier, when its discussion could have had a more practical effect; but I think he has done quite right in not having withdrawn it altogether. He would have done wrong, in my opinion, if he had prevented a discussion upon the merits of the question involved in the measure which he has brought forward. This is a matter in which there is much interest in the country generally, and it would be a mistake for hon. Members on either side of the House to think that is not the case. In point of fact I do not think that hon. Members on the other side of the House entertain any such ideas, more than I believe such feelings prevail on this side. That a large and increasing interest in the question exists among the class most deeply affected, is shown by the fact that my hon. Friend the Member for Birmingham (Mr. Dixon) has to-day presented a very numerously signed Petition in support of the Bill from the Agricultural Labourers Union. The fact that the class of persons composing that Union are not directly represented in this House makes it the more desir-

able that we should not as a House altogether shirk or disregard a question in which they feel an interest. I congratulate my hon. Friend the Member for the Border Burghs upon having brought forward the Bill, because I do not remember a case of a very important measure like this, on which I suppose there is a difference of opinion in the country, being brought before the House, in favour of which there seemed to be generally so favourable an opinion, and so little opposition. My hon. and learned Friend the Member for Boston (Mr. Collins) carefully guarded himself against expressing an opinion adverse to the principle of the Bill. In fact, his speech was rather in favour of it, and also in favour of other two measures which would effect a very considerable alteration in the boundaries of representation. I thought my hon. and learned Friend seemed to go almost as far as assenting to electoral districts, proportional representation, and the cumulative vote. The hon. Member who followed him (Sir John Kennaway) took very much the same line, and the hon. Member for North Warwickshire (Mr. Newdegate), instead of urging some of the objections which in the old days were pressed against the extension of the suffrage to householders in counties, stated that he fully expected such an extension to be made, but that he was only dolorous as to the future result. [Mr. NEWDEGATE: I did not state that I desired it.] The hon. Member has spent rather a long time in this House in prophesying all sorts of evil results as likely to follow from projected legislation in a Liberal direction, and then when the anticipated results have accrued, in pointing out how no very great evil had followed after all. The hon. Member has on the present occasion contended that the extension of the franchise to household suffrage to occupiers in counties will tend towards the bourne of absolute democracy, and his argument went not against dealing with the subject, but against dealing with it alone; but I think the arguments he has used possess more force—if indeed they have any force at all—as against the Ballot Act, than they do against the measure which is now under consideration. I am well aware that it is impossible to treat the question without considering other questions of which it re-

minds us; but hon. Members must recollect that these questions start up alongside the present Bill without being absolutely connected with it. Undoubtedly, if we gave household suffrage to all the householders in counties, a question might arise as to the present relation between borough and county representation. Such questions have arisen already, entirely apart from the considerations raised by the present Bill, and, therefore, I think we may very fairly consider whether we should or should not look forward pretty soon to the extension of the franchise to all householders in counties. That is a matter upon which, as an old household suffrage man, I want to say a word or two. It is now about 30 years since I began to take part in political life, and one of the first principles that occurred to me was, that votes ought to be given to all householders throughout the land. I do not go as far as the hon. Member for North Warwickshire seems to think us likely to go. I would not proceed further than household suffrage. I think a very strong line can and ought to be drawn between household suffrage, or rather what I should be inclined to call hearthstone suffrage, and universal manhood and womanhood suffrage. The man who is the head of a family seems to me to give a very fair line of distinction as to the point at which the suffrage should stop. There has been considerable legislation on the question, and at the present time, the only householders who are excluded from the suffrage are the householders in counties, which is, I think, an answer to the objection of the hon. and learned Member for Boston as to piecemeal suffrage. Piecemeal suffrage with this question would be put an end to by the passing of an Act which should put all householders on a level. The question is, not so much whether the suffrage should be extended to these householders, as whether they should be any longer excluded from it. In 1867 a Bill extending the suffrage was passed in this House, and it may be asked why these householders were not included in that measure. I will not enter upon the history of that Bill. A good many of my hon. Friends opposite, and some on this side of the House, found themselves giving household suffrage to boroughs before they had any intention of doing so, and before

they had any notion that it was going to be done; and as they rather unexpectedly took the step, I am not surprised that they did not extend the suffrage to householders in counties. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), to whom I am very grateful for leading his party into that position, has frequently found it necessary to comfort his adherents with arguments to prove that they are not going so far towards that fearful bourne alluded to by the hon. Member for North Warwickshire, as some of them might occasionally in hours of fear think to be the case. Over and over again the right hon. Gentleman has taken that course, and assured his supporters that there was comfort to be found in the fact that though a large number of artizans in the boroughs had the franchise, a large number of householders and artizans in the counties were without it. While expressing no opinion as to the unfitness of these persons to receive the suffrage, these words of comfort and satisfaction have frequently been poured into the ears of his more fearful followers by the right hon. Gentleman who introduced the Reform Bill of 1867. The question now or very shortly to be decided is, whether that source of comfort should continue. The hon. Baronet the Member for East Devon (Sir John Kennaway) has urged that the settlement arrived at in 1867 is one that ought never, or at any rate for a long time, to be disturbed. I am rather inclined, independently of what ought to be done, to agree with what seems to be the general feeling of the House—namely, that it cannot be an abiding settlement, and we have to ask ourselves—“Why are these persons to be any longer excluded from the franchise, and why was not their inclusion pressed in 1867?” I wish to be perfectly candid with the House, and to state what struck me as being two or three grounds for that course not having been taken. These reasons for not including the agricultural population in the extension of the franchise were rather felt than expressed; but they had the effect which my hon. Friend the Member for the Border Burghs now seeks to remove. The first of these grounds was the existence of a general impression that the agricultural or county householder was

less educated than the artizan householder to be found in the towns. My experience, however, in connection with the Education Act leads me to doubt whether there were any sufficient grounds for that impression. I am aware that we cannot deal with this question as one affecting the agricultural labourers only. There are a large proportion of householders in the counties who are not agricultural labourers; but take the class as a whole, I have no hesitation in saying that it is a mistake to suppose the county householders and agricultural labourers who would be included in this Bill inferior in education and intelligence to the artizan householders in boroughs. No doubt, many artizans are well-taught, and take an active interest in politics, and some of them even in literature; but there are a large number who, from no fault of their own, but as the result of hard struggles and privations in early life, are more degraded than we could find among the county householders, but taking the average, I do not believe we can say that there is any reason why the county householders should not have the same share in the government of the country which is enjoyed by men occupying similar positions in the boroughs. Another ground for urging that the county householders should not have the franchise before was, that they took no interest in politics as compared with the borough householders. That may have been true at one time; but it is a reason which has now lost much of its force, because one sees that day by day, from the increasing circulation of newspapers and the spread of education, that the agricultural population are taking a deep interest not only in questions which deeply concern their own social welfare, but in political questions generally. There may also have been an impression, which I must say I did not entertain myself, and which, if others did they did not express it openly, that the pressure to include the county householders in the Reform Bill of 1867 did not come from this side of the House, in consequence of a fear that their votes could not be relied upon as likely to be given in support of Liberal candidates. I do not know what would be the result now, but I think it exceedingly likely that at first the other side would gain in the elections as the result of household suffrage in

counties. That, however, is in my opinion, a consideration which ought not for one moment to be seriously entertained. I will go further, and say that looking at the history of Constitutional countries, I think that we should expect the agricultural population to be in the long run rather Conservative in politics than otherwise. But if this is so, I do not regard it as affording any sufficient reason for pursuing a policy of exclusion, as no hon. Member of this House would desire to check the right action of the Conservative party, which must exist in all constitutionally governed countries. If there is no particular reason then why we should keep up the exclusion, are there any strong reasons why we should consider whether the matter ought not to be soon settled? Existing anomalies are every day attracting more and more attention. There is no reason why the householder in a manufacturing village should not have a vote, as well as the householder in Leeds or Bradford; and, on the whole, the village householders take more interest in public questions than those of the towns. We can not remove every anomaly; but this is a glaring anomaly, to which attention is being directed more and more every day, so that it will be difficult to avoid attempting to remove it in some way. Indeed, I hope to see it removed at the earliest possible moment. The hon. Member for North Warwickshire has adduced as a reason for postponing the consideration of the question, the fact that agricultural labourers are combining in many parts to bring about an increase in the rate of wages, a fact which in my opinion tends rather in support of the opposite view. This is a matter in regard to which it is an easy thing for the expressed opinions of any person to be misconstrued, and therefore I wish to be very clear in what I say concerning it. I do not want to pronounce any opinion upon the merits of the case as between employers and employed; but this I will say—that all of us must feel more hopeful as to the future of our country, when we see so large a part of the population possessed with strong feelings upon questions which concern most deeply their daily life, and who are now for the first time waking up to a feeling of the power of union, yet conducting their proceedings with so much of moderation on the

whole, and setting an example of conduct to the artizans in the towns. It is therefore a serious question to consider whether these people ought much longer to be prevented taking a responsible part in the government of the country, and the fact of their uniting together, though they have no votes, is a reason why we should seriously consider how long they ought to go without votes. A Petition from 82,000 of them is not one which can be safely disregarded. It is impossible but that some discussion will arise in Parliament with regard to these labourers; perhaps legislative questions concerning them may come before the House, and it is very undesirable they should feel they have no direct voice in the councils of the country, when questions affecting them are being considered. We cannot also forget that Members for the districts in which they live are returned very much, indeed, almost entirely, by the class of employers as distinct from those who are employed. I do not, however, say that those Members are unfairly influenced by that fact. The whole question of the wages of agricultural labourers is likely to be much better settled than it otherwise would be, because landlords exist to be mediators between farmers and labourers; but still there remains the fact, that county Members are mainly the Representatives of the employing class, and to a very slight extent of the employed class. That is a circumstance we must consider when we have the whole case before us. Those are the grounds upon which I am glad to be able to give a vote in favour of the Bill. I must add that my right hon. Friend the Prime Minister, knowing that I take a deep interest in the matter, and that I should like to say a few words upon it, has asked me to express his regret that he is unable to be present. The right hon. Gentleman is prevented from being present, simply by indisposition, which, it is hoped will not long continue, but which confines him to his room. I am requested by the Prime Minister to state on his behalf that, while the Government, as a Government, has not any opinion or recommendation to offer to the House on the question, and while he regrets that it has only been in the power of the hon. Member for the Border Burghs to bring it forward at a period of the Session so late as to give the debate so much of the

character of a discussion on an abstract Resolution, he (the Prime Minister) retains the opinion he has more than once indicated, and believes the extension of the household franchise to the counties to be one which is just and politic in itself, and which cannot long be avoided. On the same grounds, not as a Member of the Government, but as a private Member, I shall support the second reading of the Bill.

LORD JOHN MANNERS said, the remarkable statement which the right hon. Gentleman the Vice President of the Council had just made on the part of the Prime Minister justified him in saying a few words. They all regretted that the Prime Minister should be absent from ill health; but, he being absent from ill health or any other cause, an important question of that kind would have been far better discussed without any communication being made on his part. [“Oh, oh!”] That was a sort of Royal Message which he had sent down. It was one thing for the Prime Minister to address arguments to the House after hearing the speeches of others who might adduce reasons which would cause him to change his opinion; but for him to send down a simple Message by the mouth of one of his Colleagues, in the Dog-days, when it was notorious that a question of importance could not be satisfactorily discussed, merely to tell them he was of opinion that that sort of abstract Resolution proposed in a speech by an hon. Member was right and just, was to take advantage of the forms of the House in a manner against which he (Lord John Manners) must protest. The right hon. Gentleman had told them on behalf of himself and his Chief, that that was an open question. But could they conceive that a question of such magnitude, with the importance which must be attached to it, at the end of the Session, in the Dog-days, being thrown loose on the floor of the House by the Prime Minister as an open question? What must be the result of treating a measure of that importance in that flippant and perfunctory manner? They were not told what was the opinion of the Cabinet as a whole on the question, and it would, therefore, go to the country that Her Majesty's Government while carefully abstaining from expressing their collective opinion as the responsible Advisers of the Crown

on a subject of the utmost importance, such as that before the House, would prefer to allow the question to be trailed through the Recess as one which, at any rate, had received the support of the Prime Minister and of the Vice President of the Council. He maintained that such a statement as that just made by the right hon. Gentleman was sufficient to justify the House in refusing its assent to the Bill. The right hon. Gentleman admitted the immense import of the issues which were bound up with the question; but he added that, great as those issues were, it was not necessary to consider them then. If, said the right hon. Gentleman, the House passed the Bill, it would, for example, be necessary to have a re-distribution of political power; but he added that that would come all in due time. They might equalize the franchise in boroughs and in counties, and having done that, then they might consider the other essential changes which should follow from it. When they were told that momentous issues were bound up with the adoption of the Bill, but that they need not discuss those issues, but rather leave it to chance how many seats were to be taken from boroughs and transferred to counties, then, it became a question in which hon. Gentlemen on both sides of the House, whether they sat for agricultural, commercial, or any other constituencies, were equally interested, and as to which they were bound to say they would not consider a fragment of a great question, but would wait until a united Government on their responsibility to the Queen and the country had put forward a coherent scheme, in which all the divergent issues which spring from the question would be dealt with. Till that time arrived the House was not in a position to discuss the subject, and they were not only justified, but bound to decline considering a mere fragment of it. He congratulated the right hon. Gentleman in making the discovery—perhaps since the passing of the Elementary Education Act in 1870—that the class of agricultural labourers was at least as intelligent and well-conducted as the labouring classes in great towns. That discovery was not new to him (Lord John Manners), and would not influence his vote; and when the right hon. Gentleman said the only thing they had then to consider was, whether there should be any difference

in the county and the borough franchise, he begged to ask him in return why from the earliest times had such difference existed? When the right hon. Gentleman had considered, and was in a position to answer that question, he had no doubt the House would be prepared to consider with him why the old immemorial distinction should now suddenly be abrogated. He did not say that the right hon. Gentleman and the Prime Minister when, acting as the organs of a united Government, they were prepared to propose a distinct policy, would not be able to assign reasons why such distinction should not exist; but when asked the question now, to attempt to solve it off-hand in the negative might be considered a good mode of argument in the Dog-days, but it was one which would certainly not be regarded as conclusive at a more reasonable period of the Session. He (Lord John Manners) had only risen to protest against the introduction, by the Vice President of the Council, of a Message from the Prime Minister, and he had now given some of the reasons which induced him on this occasion to recommend to the House the rejection of the Bill.

MR. FAWCETT said, that after the speech of the right hon. Gentleman the Vice President of the Council and the Message which had been sent to them by the Prime Minister, it could not be doubted that the Bill had been virtually taken out of the hands of his hon. Friend the Member for the Border Burghs (Mr. Trevelyan), and had become part of the settled policy of the Government, and would occupy a prominent position in the programme with which they would go to the country. The right hon. Gentleman the Vice President of the Council said that he spoke only as an individual Member: the Prime Minister—and he (Mr. Fawcett) would be the last to object, more especially as his temporary absence was caused by illness, to the right hon. Gentleman writing to the House—but the right hon. Gentleman, like the Vice President, said that had he been present he should vote for the Bill as Member for Greenwich, and not as Prime Minister of England. Now, it was absolutely impossible for the Prime Minister and one of his most influential Colleagues to vote on such a question as ordinary Members of Par-

liament. They supported the Bill and would vote for it as Members of the Government, and henceforward it became—and he was glad of it—a Government measure. Had it not been for that fact he should not have risen; but he wished to impress this upon the House—that the Bill in the hands of his hon. Friend and the Bill in the hands of Her Majesty's Government must be viewed in two very different aspects. His hon. Friend could only ask the House to express their opinion upon an abstract question—namely, whether household suffrage should or should not be extended to counties. But when the Bill passed into the hands of the Government, it became not the means of simply asserting an abstract principle, but a great measure of Representative Reform. It was, therefore, of the utmost importance that the House should distinctly understand, before they went too far, what shape it was proposed that this new measure of Reform should take. The arguments offered in favour of the Bill he considered conclusive, and he must repeat that he should not have risen to address the House, but for the fact that the measure was now a very different one to all intents and purposes from what it was only a few hours since. He would only say, in reference to the subject of the Bill, that when the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), by a series of most ingenious manœuvres, led his party up to household suffrage in the boroughs, he probably knew better than anyone else in the House that he had destroyed every argument in favour of stopping there, and that household suffrage in the counties was simply a question of a few years. There were many anomalies in the existing franchise which required alteration, and he would not enter into the invidious argument whether the labouring classes in towns were more or less intelligent and industrious than the same class in the county. If an artizan residing in a town were worthy of being intrusted with a vote, why should he not continue to be so, if he crossed the border and settled in the county? Such a restriction admitted of no defence. He thought his hon. Friend had been very wise in admitting that if household suffrage were extended to counties the 40s. qualification must also be dealt with. His desire was, how-

ever, to speak not of the details of a comprehensive scheme, but of the present position of Her Majesty's Government in reference to the question. The question for the House was this—Were they going to sanction a further and great extension of the suffrage without obtaining from the Government a definite statement as to the principles which they proposed should regulate the re-distribution of political power? They followed that course in 1867; but because they made a mistake then, that was no reason why they should repeat an error which he believed had proved most disastrous to our country. What had been the attitude of the Prime Minister and the Government on the two questions of the extension of the suffrage and the re-distribution of seats. He did not complain that he had been excluded from bringing on a Motion of which he had given Notice; but the fact was that the Government had afforded to his hon. Friend facilities for having the question of the extension of the franchise discussed, and that his Bill had the support of the Prime Minister and one of the most influential of his Colleagues in the Cabinet. The proposed Motion for an inquiry into the principles on which political power should be re-distributed was voted against by the Prime Minister before he had heard the arguments in its favour. In fact, the right hon. Gentleman prevented the Motion being even discussed, but at the same time supported a Motion for the extension of the franchise. Whatever might be the opinion of the Government on the subject of the re-distribution of political power, this he (Mr. Fawcett) said emphatically—that if a Bill for the extension of the suffrage in counties was introduced by the Government, he would not vote for it, unless the Government declared the principles to which they proposed to give effect in reference to the re-distribution of political power. There were two ways by which people could be deprived of representation—one, by keeping the right of voting from them; another, by placing them in so hopeless a minority that, virtually, they must be without representation. For his part, he was willing to give manual labour all the legitimate power to which it was entitled; if manual labourers were in a majority

in the country, let them be in a majority in that House; but he was not prepared to place the vast machinery of political power in their hands, without taking some security that those who held different opinions from them should have some chance of representation in the House of Commons. He ventured to assert that even in the United States of America, there was not a man of intelligence who was not of opinion that the future of the country depended upon the recognition and practical adoption of just principles of representation. They might have the most democratic suffrage in the world, but if they did not take securities for the representation of minorities, that democratic suffrage, by centring unchecked power in the hands of a majority, might and probably would lead to the worst of all kinds of oligarchies. He spoke only of that which experience had proved. Illinois was one of the most progressive of the States. There they had a more extended suffrage than even this Bill would give to this country. But it was found that the non-representation of minorities had such a tendency to concentrate power in the hands of one party, and excluded so many of the best men from the House of Representatives, that a feeling spread through the State that it was necessary to alter the system; and the consequence was, that within the last few years, they had adopted the principle of the representation of minorities; and there was not a single section of intelligent persons in the State who did not regard the change as one of the greatest improvements ever introduced. Only a small and insignificant section were in favour of a return to the former system. He had made these remarks with a view to let the Government know that they must be prepared, when they took up the question of the extension of household suffrage to the counties, to take up with it that of the re-distribution of political power on a wide and extended basis. There was many a man in that House who would not vote for a bare and naked measure for extending the suffrage, but who would vote for it cordially if it were part of a great scheme for improving the representation of the people; therefore, let them, on the one hand, enlist as electors every person whom they found qualified to vote; but let them on the other, take care that the House of Com-

mons should not become a mere legislative machine, but should be a great national Assembly in which every opinion and every section of opinion should as far as possible be represented by its ablest and most independent advocates.

Mr. BRUCE said, that his own individual opinion on the questions before the House were so well represented by his right hon. Friend the Vice President of the Council, that he should not have thought it necessary to rise, but for some observations made by the noble Lord opposite (Lord John Manners) and his hon. Friend the Member for Brighton (Mr. Fawcett). The noble Lord took his right hon. Friend to task for having expressed his own individual opinion, and for communicating to the House the opinion of the Prime Minister. Now, although he contended that no Member of that House had a right to call for the opinion of the Government as a Government on such questions as the present, he could not but think it was only respectful to the House that, on the discussion of a subject of such great importance as that under consideration, his right hon. Friend should have explained the cause of the absence of his right hon. Friend at the head of the Government, and add, as he was in a position to do, that the opinion of the Prime Minister on the subject was the same as he had always expressed in reference to it. Anyone, however, who heard the speech of the noble Lord would suppose that the occasion had been seized by his right hon. Friend at the head of the Government for the purpose of making a political manifesto. [Cheers and counter-cheers.] But hon. Gentlemen opposite who cheered knew perfectly well that his right hon. Friend had again and again expressed the same opinion; and that being so, why should he not again state through the right hon. Gentleman the Vice President of the Council that he still entertained the opinion which he had formerly expressed? Then the noble Lord stated that Members of the Government were bound to withhold their opinions until the Government, as a united Government, were prepared to state what their policy was in respect of the question; and his hon. Friend the Member for Brighton said, that after what had occurred the Bill virtually passed into the hands of Her Majesty's Government. He denied both

those propositions. No hon. Member, however respectable, had a right to challenge the opinion of the Government on any particular question. Governments were formed with reference to certain great political questions. The Government that preceded the present was formed with special reference to the question of Reform, on which the then late Government had been defeated; and the present Government was formed in reference especially to the question of the Irish Church, and also to deal with the question of Education. On those questions, therefore, it was reasonable to expect from them a definite and united opinion; but as to the questions of the extension of the suffrage and the re-distribution of political power, they might entertain divers opinions. They were questions which could not be taken up unless after long and anxious consideration. The discussion which had just been held showed that the question of the extension of the suffrage was one which could not be dealt with by itself, and it would be rash therefore, without much previous study of it in all its bearings, to express a united opinion with respect to it. His hon. Friend the Member for Brighton said that when two important Members of the Government were in favour of the Bill it ceased to be a private Member's question. What possible authority was there for that argument? Let them take, for example, the question of female suffrage. His right hon. Friend at the head of the Government had expressed himself in favour of that Bill, under certain conditions for securing the decorous conduct of elections; so, also, had his right hon. Friend the President of the Local Government Board. But had that question become a Government one because two Members of the Cabinet had spoken in favour of it? There were occasions, he contended, especially in reference to questions of great importance and difficulty, on which individual Members of the Government were entitled to express their opinions without binding their Colleagues. His hon. Friend the Member for Brighton had—good-naturedly he admitted—expressed his disappointment at not being able to bring forward the Motion to which he had referred, while, as he said, facilities were afforded to his hon. Friend the Member for the Border Burghs to move the second reading of

his Bill. There was no foundation whatever for that complaint. The practice for many years had been for the Government to ask for the Tuesdays from the early part of July, but only to ask for the last Wednesday of the Session, and that practice had been strictly followed. To have appropriated the present Wednesday would have been to establish a special precedent adverse to his hon. Friend the Member for the Border Burghs. In reference to the general question before the House, he would only say he had never been of opinion that agricultural labourers were more ignorant than labourers in towns. He was long of opinion that, on the contrary, the greatest ignorance prevailed in great towns; and that was especially the case in Scotland. It was in great towns that ignorance was reached with the greatest difficulty; but he hoped it would disappear under the operation of recent legislation, and that instruction would be equalized all over the country. He was in favour of the extension of household suffrage; but if he thought—as he did not—that it would deluge the country with ignorant electors, incapable of giving intelligent votes, he, for one, should have felt bound to refuse his support to the Bill. It was, in his opinion, an anomaly that so many persons should be deprived of the franchise, while their neighbours, more ignorant and less orderly, enjoyed it, and that was a fact which would doubtless weigh with the House whenever they came to deal with that important question.

Mr. SCOURFIELD said, he could not but regard the slap-dash course which had been adopted in reference to the Bill as somewhat remarkable. For some hours, perhaps owing to the heat of the day, they had proceeded in the quietest manner possible—too quietly for the Members of the Government present; for it would seem as if the right hon. Gentleman the Vice President of the Council had written to his Chief, to say they were getting on very languidly, and wanted a word or two from him to throw life into the debate. At length they were favoured with the opinion not only of the right hon. Gentleman the Vice President of the Council, but of the right hon. Gentleman at the head of the Government. If it were necessary to reply to the argument of the Vice President of the Council, he (Mr. Scourfield) had

only to refer to a speech delivered by a distinguished Member of the present Government, in opposing Lord Derby's Reform Bill of 1859, and on what ground did the House think? On the ground that it tended to the identity of the franchise in counties and towns. He would only trouble the House with an extract from the speech in question. It was as follows:—

"But however that may be, I say it is a principle rooted in the antiquity of the country—a principle which has never been touched from the earliest times down to the present day, a principle which you cannot alter without laying the axe at the root of our national liberties—that there shall not be uniformity of franchise. . . . I will not trouble you with authority, though I believe there is no text-book on the British Constitution where variety of suffrage is not laid down as the great distinguishing principle which always guided the British Constitution. . . . If we take the principle of the Bill to be what its authors have declared—namely, identity of franchise—then I say that identity of franchise is a principle wholly foreign to the British Constitution, unknown in our history, dangerous to the utmost extent in its probable consequences and effects."—[*3 Hansard*, cliii. 842-3-5.]

[*Cheers, and cries of "Name!"*] That speech was delivered by the right hon. Gentleman the Secretary of State for War. He (Mr. Scourfield) commended the speech to the consideration of the hon. Member for the Border Burghs (Mr. Trevelyan), who had formerly, on another question, been associated more or less with the right hon. Gentleman, and he asked Her Majesty's Government to pause before they adopted a principle which in the opinion of one of their most distinguished Colleagues would lay the axe to the root of our national liberties, and which was foreign to and would be destructive of the British Constitution.

Mr. J. G. TALBOT said, he gave credit to the hon. Member for the Border Burghs (Mr. Trevelyan) for having run straight, and not withdrawn his Bill without Notice as some other hon. Members had done. It was strange, however, to have to discuss a measure of this importance at the end of the Session, but a somewhat stranger thing was that what he might almost call a Royal, or at least a Presidential, Message had been delivered to the House, expressing the Prime Minister's approval of the Bill, and his conviction that the settlement of the question could not be long delayed. The Home Secretary had endeavoured to soothe their excited feelings—and in

such weather soothing was wanted when such exciting topics had been introduced —by saying that the Message contained nothing but what the Prime Minister had said before. Now, the right hon. Gentleman had no doubt previously said he was in favour of the measure; but had he ever said this previously under circumstances of such gravity, and with the statement that the question must soon be settled?

MR. W. E. FORSTER: It is important that the words which my right hon. Friend wished me to convey to the House should not be misinterpreted, and there was nothing in them to bear out the version given by the hon. Gentleman.

MR. J. G. TALBOT said, he had understood the Prime Minister's opinion to be that this was a question which must soon be settled.

MR. W. E. FORSTER: If the hon. Gentleman had paid attention to the statement, he would have found that my right hon. Friend merely said he retained the opinion he had previously held.

MR. J. G. TALBOT said, the right hon. Gentleman the Secretary of State for the Home Department had represented that the communication, whatever it might be, did not much matter, for it had been well known what the Prime Minister's sentiments were. If such was the case, what was the use of his writing the letter? It was useless beating about the bush. Parliament was at the end of its fifth Session, and it was currently whispered out-of-doors that the Government were only waiting for a convenient opportunity to dissolve. He challenged right hon. Gentlemen on the Treasury bench to deny that that was a manifesto upon which to go to the country. [*Opposition cheers, and Ministerial counter-cheers.*] The cheering of hon. Members opposite below the gangway showed that they perfectly understood the meaning of the Message. It required no great sagacity to see that the Government could not have been very comfortable during the last few weeks; they had been beaten in this House, where they had a majority of 80, and in the other House, where they were certainly not in a minority of 100, they had been signally defeated. Moreover, the noble Marquess the Chief Secretary for Ireland, had said in a speech in the provinces, that the Election might be this year or next, but could not be

long delayed. They, of course, must all regret that the Prime Minister had not been here to make the statement himself; but when on a subject on which he had already expressed an opinion, he thought it necessary to ask the right hon. Gentleman the Vice President of the Council to state his sentiments, and when that was done in such significant terms on the eve of a General Election, he (Mr. J. G. Talbot) would ask whether that was an occasion on which hon. Members ought to vote for the Bill? That was nothing more nor less than an electioneering cry, and he challenged the Government to say that it was not the prelude to an announcement shortly to be made that this was the last Session of an expiring Parliament.

MR. TREVELYAN said, he had received great comfort from the debate, and hoped for still more from the division, which he hoped hon. Gentlemen opposite would not evade. The most important feature had been the statement communicated by the Prime Minister, and as to the objection taken by the noble Lord the Member for North Leicestershire (Lord John Manners)—that the right hon. Gentleman's opinion might have been modified by the debate, he did not think a single argument had been advanced which could have had any such effect. The unusual warmth shown by the noble Lord led him to think that he had been deputed by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) to make a similar statement, and had been disappointed at finding himself forestalled. He felt sure that the hon. Member for Brighton (Mr. Fawcett), who joined himself in 1866 in opposing Earl Grosvenor's Amendment, declining to consider the extension of the franchise till the entire scheme had been produced, would, on reflection, adopt a similar course, and would not ask persons whom it was proposed to admit to the suffrage to await a re-distribution of political power. He had been charged by the noble Lord with taking part in the agricultural agitation. Now, he had only once been invited to do so, when 20,000 labourers, as it was said, met in Somersetshire, and his reply, published in the papers, was that hon. Members of Parliament should not take part in a purely commercial question, being simply bound to see that both sides had an opportunity of laying

their case before the public. That Bill would remedy the exclusion from the suffrage of one of the parties to the dispute, and its object was not to open or close the door to further fields of electoral discussion.

MR. J. LOWTHER, who had given Notice of an Amendment declining to entertain a Bill dealing with the representation, which failed to provide for the proportional representation of local minorities, said, he wished to explain his reasons for placing it on the Paper. The hon. Gentleman in charge of the Bill seemed to be afraid that he meant to talk the Bill out; but he, himself, having made a speech of some length in proposing the second reading, and having just made a second speech, would be mainly responsible, if he failed to condense his observations within the limited time available. Although opposed to what he might term a dead level in representation, yet he had no substantial objection to the Bill; but when a great political change had recently been made, it was undesirable to be constantly re-opening it at the instance of private Members, and such a proposal ought to be made on the responsibility of the Government, instead of being recommended by the Prime Minister on a sheet of note-paper. The hon. Member was proceeding in his remarks upon the Bill, when—

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till To-morrow.

POST OFFICE TELEGRAPH SERVICES [LOAN] BILL.

Resolution [July 22] reported;

"That it is expedient to authorise the Commissioners of Her Majesty's Treasury to raise further sums of money, not exceeding in the whole the sum of One million Two hundred and Fifty thousand Pounds, for the purpose of the Telegraph Acts, in the same manner and upon the same terms and conditions as the said Commissioners are now authorised to raise money under the said Acts."

Resolution agreed to:—Bill ordered to be brought in by MR. BONHAM-CARTER, MR. CHANCELLOR of the EXCHEQUER, and MR. BAXTER.

EAST INDIA (GREAT SOUTHERN OF INDIA AND CARNATIC RAILWAY COMPANIES).

BILL.

On Motion of MR. GRANT DUFF, Bill to amalgamate the Great Southern of India and

Carnatic Railway Companies, and for enabling the amalgamated Company to make agreements with the Secretary of State in Council of India; and for other purposes, ordered to be brought in by Mr. GRANT DUFF and Mr. AVTON.

*Bill presented, and read the first time. [Bill 258.]*

House adjourned at five minutes before Six o'clock.

### HOUSE OF LORDS,

*Thursday, 24th July, 1873.*

MINUTES.]—PUBLIC BILLS—*First Reading*  
*Extradition Act (1870) Amendment\** (235).  
*Second Reading*—*Salmon Fisheries* (215);  
*Turnpike Acts Continuance, &c.*\* (223).  
*Committee*—*Militia (Service, &c.)*\* (206-237).  
*Committee—Report*—*Steam Threshing Machines*\*  
 (210-239); *Medical Act Amendment (University of London)*\* (214); *Exchequer Bonds*  
 (£1,600,000)\* (222); *Treasury Chest Fund*\*  
 (217); *Consolidated Fund, &c. (Permanent*  
*Charges Redemption)*\* (198); *Military Ma-*  
*nœuvres*\* (216).  
*Report*—*Conveyancing (Scotland)* (227-238);  
*Petitions of Right (Ireland)*\* (233).  
*Third Reading*—*Elementary Education Provisional Order Confirmation (No. 1)*\* (167), and  
*passed.*

### SALMON FISHERIES BILL.—(No. 215.)

*(The Earl of Morley.)*

#### SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF MORLEY, in moving that the Bill which had come up from the Commons, be now read the second time, briefly explained its objects. The main purpose of the measure was to render the existing law more elastic. Power would be given to the Home Secretary to vary the limits of the fishing districts. The 40th clause, which was the backbone of the measure, would enable the conservators of rivers to draw up by-laws and to alter the close time within certain limits. The by-laws would not be valid until approved by the Secretary of State, who might, if he thought fit, order an investigation before granting his consent. As the details could be better discussed in Committee he did not feel it necessary to enter into them on this stage.

*Moved, “That the Bill be now read 2<sup>a</sup>.”—(The Earl of Morley.)*

THE EARL OF MAMESBURY gave Notice that he would move Amendments in Committee.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Monday next.

### CONVEYANCING (SCOTLAND) BILL.

*(The Lord Chancellor.)*  
 (No. 227.) REPORT OF AMENDMENTS.

Amendments reported (according to Order).

THE DUKE OF RICHMOND moved to insert words providing that the Act should not come into operation till the 1st of January, 1874. The Bill would cause a great disturbance in the existing mode of land conveyance in Scotland, and therefore he thought that a proper amount of time should be given to persons who were in the habit of transacting land conveyancing business to prepare for the change about to be made.

THE LORD CHANCELLOR said, he did not object to the postponement suggested by the noble Duke.

Amendment made accordingly.

Further Amendments made; Bill to be read 3<sup>a</sup> *To-morrow*, and to be printed as amended. (No. 238.)

### THE ALBERT AND EUROPEAN ARBITRATIONS—EX-LORD CHANCELLORS.

Order of the Day for considering the Commons Amendments to the SUPREME COURT OF JUDICATURE BILL, read.

LORD CAIRNS: Before proceeding to the consideration of these Amendments I will ask permission of your Lordships to make an explanatory statement upon a matter personal to myself, and which, I think, had better be kept distinct from the merits or demerits of any of the Amendments we are about to consider. I have said that the statement I wish to make is personal to myself; but if it were merely personal to myself I am not sure that at this period of the Session I should have ventured to delay your Lordships in proceeding to other business. But the charge or the statement to which I am about to refer, although personal to myself, conveys also in it that which appears to me to be a reflection upon the conduct of the legal business of your Lordships' House, and therefore I think it is my duty to mention it to your

Lordships, and to make the statement for which I have asked permission. I have yet another reason for taking this course. The charge, while referring to me, refers also to one whose voice can no longer be heard among us to defend himself—I mean my late lamented Friend Lord Westbury—and knowing as I do the facts of the case, it is my duty on behalf of his memory, as well as on my own behalf, to call your Lordships' attention to the subject which I am about to mention. One of the Amendments which has been made in the Judicature Bill—and on the merits or demerits of the Amendment I am not now about to say a word—has dealt with the question of the relations between those who may hereafter be appointed to the office of Lord Chancellor and the Appellate Court created by the Bill; and a provision has been introduced into this Bill with regard to the terms upon which future Lord Chancellors shall be expected to take and to hold office. The argument by which that Amendment was pressed by the Prime Minister and the Attorney General had reference to circumstances connected with myself and the late Lord Westbury. The right hon. and the hon. and learned Gentleman to whom I have just alluded referred to some cases in which, under the authority of Acts of Parliament, Lord Westbury and myself have acted for some time in the discharge of a high judicial function created by the Acts. As far as I am personally concerned, the Acts of Parliament were, one connected with the London, Chatham, and Dover Railway, and another connected with certain Insurance Companies, of which the Albert was the head; and the statement made was, that my late Friend and myself had assumed in our positions as ex-Chancellors the transaction of that which was private as distinguished from public business; and the suggestion was, that that which was termed private business had interfered with the performance of what were described as our public duties, and that therefore legislation upon the subject for the future had become necessary. The Prime Minister and the Attorney General were good enough to say that they did not deny the perfect right of either my noble Friend or myself to act as we had done; but they stated that the House of Commons had a right to prevent a repetition of

that which had been done—or, at all events, that they had a right so to guard the relations of ex-Chancellors towards the public as that the consequences which had been suggested should not again occur. Of those statements and arguments made and urged in the other House of Parliament I had no notice—if I had such notice, I could possibly, through the kindness of some Friends of my own who are Members of the House of Commons, have laid, before the audience addressed the facts which I am now about to state to your Lordships. My late Friend, Lord Westbury, could not have had such notice, for at the time the statements were made he was in a condition in which notice could not have been given to him; and the same circumstances spared him what I cannot but think would have been to him the inexpressible pain of being made aware of the observations which had been made by his Friends upon his course of action. I will now state to your Lordships the facts which ought to be mentioned with reference to this subject. The charge divides itself into two portions. In the first place, there is the suggestion that judicial occupations of a private nature were undertaken by Lord Westbury and myself; and, in the second place, there is the statement that such occupations interfered and must interfere with the duties to be performed by us in this House. Let me, therefore, lay before your Lordships the short facts connected with the first Act of Parliament to which I have referred. A few years ago, the London, Chatham, and Dover Railway was on the point of collapse—or I suppose I might say had been reduced to a state of insolvency. The interests involved in that Company were between £17,000,000 and £18,000,000 sterling. There were, at the time the Act was passed, no less than 46 Chancery suits and 78 actions at Common Law pending with reference to the affairs of the Company; and, in addition, there were filed for the consideration of the Arbitrators appointed under the Act of Parliament 79 cases. At the time the Act was passed, the large revenues of the Company were entirely locked up, and whole families were reduced to destitution, because the income which they ought to have derived from the securities of the Company could not be paid. In addition to the Chancery

suits which I have mentioned, some branches of the Courts, and particularly the Chambers, were absolutely blocked up and impeded by the magnitude and the cumbrousness of the litigation which had arisen. Under these circumstances, a measure was introduced into Parliament, and it was proposed that a special tribunal should be created in order to deliver the Company from its embarrassments. I have no word to say in favour of the policy of special tribunals. I have always entertained a very strong opinion against their policy, for I look upon the creation of special tribunals of this kind as a species of reproach upon our whole system of judicature. That, however, is not the question now under consideration. An application was made to my noble Friend not now present (the Marquess of Salisbury) and myself to act as Arbitrators. The answer I made was, that if Parliament conceived that I could be performing with advantage a public duty by undertaking the office proposed to be created by the Act, and if powers were conferred which appeared to me to be adequate to rescue the Company and those concerned in it from the difficulties they were in, I should feel myself bound to perform the duty which Parliament would thus impose upon me. I do not know what answer my noble Friend (the Marquess of Salisbury) returned, but I presume it would be something to the same effect. The Act of Parliament was passed and powers of the most ample and unusual kind were conferred upon us. The term "Arbitrator" was applied to us by that Act; but, in point of fact, the office we were asked to undertake was not that of Arbitrators at all. I understand an arbitrator to be a person who by the agreement of other persons decides disputes between them. But there was no agreement in this case—there was an absolute, unqualified, and unappealable power conferred by the Act upon the Arbitrators in reference to the whole affairs of the Company. They were clothed with a power higher than that possessed by any Court of Law or Equity in the country, and, as I have said, their decisions were unappealable and irreversible. I repeat that I do not argue with the policy of the Act; but the result of its working was that the whole of the litigation which had arisen and had occupied the Courts to the extent I have

mentioned was finally concluded in 18 months from the time of the passing of the Act. I am not unwilling to admit that I look with satisfaction upon this result, although I question the policy of the Act of Parliament under which it was attained. I attribute the result mainly to the unexampled assistance which I received from my co-Arbitrator in the work. What I now want to ask your Lordships is, whether it is proper to describe the discharge of duties such as these as the assumption of private business to the detriment of public duties? I do not wish to argue the question; but I will state to your Lordships the views which I take of it. I believe the duties which under the Act of Parliament were imposed upon me, and which I performed, were duties which for their authority and their sanction, and as regards their responsibility, were as high in their nature and as public, and were as much clothed with the whole power and force of the Parliament of the country, as are the functions performed either by the Prime Minister or the Attorney General. Now, I pass to the other Act of Parliament to which I have referred. About five years ago, a huge Assurance Company—the Albert—collapsed and failed. In that Company were rolled up some 20 or more of other Assurance Companies. Your Lordships will be surprised to hear that the number of persons interested in the failure as policy-holders was upwards of 23,000, everyone of whom either had or might have a separate case which he might raise and require to have determined. The number of shareholders having different interests was upwards of 2,000. The business of endeavouring to settle the affairs of the Company had gone on in the Court of Chancery for something like two years. It had been found absolutely impossible to arrive at the solution of any one of the various questions which were involved in the failure. Nothing had been got in and nothing had been paid at the time I speak of, and at the end of two years after the failure the only result of the proceedings was the incurring of an amount of costs, the magnitude of which would startle your Lordships were I to mention the figures. In this state of things, how came it to be suggested that Parliament should create a special and exceptional tribunal for dealing with the case? Lord Justice James made the

*Lord Cairns*

following remarks upon the case, and those remarks were quoted in Parliament as a justification of the Bill :—

" I considered that as a Vice Chancellor could only give a portion of his time to things of that kind, it was desirable that Parliament should find some means of appointing some special tribunal which could give the time that was necessary and not give merely portions of days or portions of weeks. I did not see how it was to be worked out under half-a-century, if it could be done in that time. That was really the ground on which I proceeded."

Again, I have nothing to say as to the policy upon which Parliament proceeded in passing a Bill in conformity with the recommendation of this learned Judge. I was asked to undertake the office which was to be created under the Act. I stated that I was not much encouraged by my former experience; but in this case too, knowing the extent to which the Court of Chancery was blocked up by the litigation—knowing, also, the extent of the interests which were involved, and the amount of misery which was being suffered by persons interested—I stated that if Parliament thought fit to confer upon me the duty of acting upon this tribunal, I should feel myself bound to accept the duty and perform it to the best of my power. Acting on this tribunal—which the Prime Minister and the Attorney General pleasantly describe as a piece of private business—powers were vested in me which I certainly believe were undesirable, for the Act of Parliament not only armed me with the whole of the powers of the Court of Chancery without appeal, but gave me in every part of Her Majesty's dominions, in every colony, in India, and in all Her Majesty's possessions, all the powers of all the Courts in these colonies and possessions. I look with some surprise upon the magnitude of those powers, and I trust I have exercised them with care; but I do not think the exercise of such powers can be called private business. The result is this—I am happy to say that at the end of the first year after the passing of the Act of Parliament, the first award, which settled almost all the cases in dispute, has been made; the second award is on the point of being made; every case has been heard and disposed of; and the only circumstance which prevents the whole proceeding being wound up and closed is that some assets remain to be got in, and that persons to whom money has been

awarded will not come and take it away. Let me add one fact. These Acts of Parliament contained clauses contemplating the refusal of the persons named, and if I had refused the office, Parliament has thought fit to declare by these clauses that the only persons who could be appointed in my place were just the persons to whom the objections of the Prime Minister and the Attorney General would apply as much as to myself—namely, ex-Lord Chancellors, Judges of one of the Superior Courts, or Members of the Judicial Committee. Let me now say a word as to the case in which Lord Westbury acted. Subsequently to the failure of the Albert, another huge Assurance Company, the European, collapsed, and a similar Bill was introduced for dealing with its affairs. While it was pending Lord Westbury came to me and said he had been asked to discharge the duties which were created by the Bill, and he was good enough to add that he had declined to do so unless he found that I was unwilling to undertake these duties. I said it was quite impossible for me to undertake them, and I begged him earnestly, if he found his health and strength equal to the task, not to fail to give to the public—because it was given to the public—the benefit of the assistance which he, perhaps, beyond all other men could give in such a case. I believe it was owing to my strong representation that Lord Westbury very reluctantly undertook to give effect to the Act of Parliament. I come now to the other question—whether the discharge of those duties has interfered with my duties in this House. As regards those persons who have held the office which I have had the honour to hold, I apprehend there is little doubt as to their duties to the public. I hold that, altogether irrespective of the office which I have had the honour to hold, I, as a Member of your Lordships' House, and as what is called a Legal Member of the House, am bound by my obligations to your Lordships to undertake, to the best of my poor ability, along with my noble and learned Friends, the duties of the Appellate Jurisdiction of this House; and I hold, again, that, irrespective of any office which I have had the honour of holding, as a Member of the Judicial Committee of the Privy Council, when summoned by Her Ma-

jesty to attend the Judicial Committee, I am bound to attend and offer my services there. But let me now consider the charge which was made that the functions I have described interfered with my duties in the House. The proceedings in the case of the London, Chatham, and Dover Railway Company occurred in 1859. On looking back I find that 18 sittings were held by my noble Friend and myself in that case, and not one of those 18 sittings was held upon a day devoted to appellate business in your Lordships House. So much for that charge. I have also turned to the case of the Albert Company. I find that 38 sittings were held under the Albert Act. Out of these 38 sittings, only four were held upon days when judicial business was taken in this House; and upon one of those days I find that, owing to the meetings being at different hours, I was able to sit in this House as well as in the Arbitration. Thus, out of 56 sittings which occurred during five years, three only were held upon days when judicial business was proceeding here. Your Lordships will now be able to judge what degree of foundation there was for the statement either that the duties undertaken by me were private duties, or that they interfered with my duties in this House. I have already stated that I had no notice of the statement or the charge—whichever it must be called—made against me in the other House of Parliament. I must go further. This is a Bill which began in your Lordships' House. It was considered here upon the second reading, and also before a Select Committee, upon which there were several Members of Her Majesty's Government. The scheme of the Bill then was, that future Chancellors should have their choice of a certain pension if they were willing to serve upon the Appellate Court, and of a certain other pension if they were unwilling to do so. That clause was not accepted in the Select Committee, and I rather think that the Members of the Government concurred in its omission. What I have to call your Lordships' attention to, however, though not by way of complaint against my noble and learned Friend on the Woolsack, is this—if the Government were of opinion that any functions undertaken by Lord Westbury and myself should be made the foundation of changes in the Bill,

why was not that opinion expressed here? Why were not the proposals of the Government made here? Why was this statement made in "another place?" Why were these proposals reserved till the last stage of the Bill in "another place?" What led to a change in the Bill in the other House I do not stay to inquire. I have laid the facts before your Lordships, and I leave it to your Lordships as men of honour to judge whether the course adopted in this case by the Prime Minister and by the Attorney General has been marked by courtesy or by justice.

THE LORD CHANCELLOR: My Lords, one thing I cannot help saying, and that is, that whatever reason there may be for regretting that anything should have been said elsewhere which could have touched or moved the feelings of my noble and learned Friend, or of the other noble and learned Lord to whom he has referred, on one point I think your Lordships have no reason to feel regret—and that is that my noble and learned Friend should have had an opportunity of giving so fully before your Lordships and before the country the facts of this case, and of so entirely justifying himself from any personal imputation. But I cannot for a moment think that any personal imputation was by anyone intended. I can assure my noble and learned Friend that there was no premeditated idea on the part of the Government, or, I will undertake to say, on the part of any Members of the other House, of casting any imputation upon my noble and learned Friend or upon Lord Westbury, and I am convinced that a desire of making such reflections as my noble and learned Friend imagines was not the groundwork of the change in the Bill made in the other House. For reasons right or wrong, that change was made in the Bill—a particular alteration affecting the position of future Lord Chancellors was proposed to be made; and it is undoubtedly true that those who addressed the House, and to whom reference has been made, did refer to the parts taken by my noble and learned Friend and Lord Westbury in the Arbitrations in question, as in their opinion furnishing some reason why for the future those arrangements should be made. I feel persuaded that if the whole case, as it has been put by my noble and

learned Friend, had been before the minds of those who, I am convinced, then spoke without any premeditation, and certainly without any intention of casting imputation, no such observations would have been made. For my part, I do not deem that a sufficient reason for what the other House has done with regard to that clause; but I am sure that nothing that was said was intended to cast personal reflections upon those who undertook the duties undertaken by my noble and learned Friend and Lord Westbury under Acts of Parliament. I am bound to add that it appears to me that when Parliament thought fit to create new special Courts with such enormous and unprecedented powers, it was totally impossible that any persons should be entrusted with those powers except learned men who had the greatest judicial experience, and who, from the public opinion of their capacity, as well as of their virtue, might obtain the confidence of the country in the exercise of such extraordinary powers. If those Acts were to pass at all, it was an indispensable condition that some such men as my noble and learned Friend and Lord Westbury, if they could be prevailed upon to undertake those duties, should discharge them. They did undertake those duties under the direct cognizance of both branches of the Legislature — if I do not mistake they were named in the Bills. I am quite sure, therefore, your Lordships did not need the assurance of my noble and learned Friend that it was from a sense of public duty and nothing else that he and Lord Westbury undertook those duties. I should not satisfy my own conscience in this matter, or do full justice to my noble and learned Friend, if I did not also tell your Lordships that when one of those Bills—I am not quite sure which—was in the House of Commons, a Member of that House communicated with me upon the subject of the propriety of such duties being undertaken by a person who had filled the office of Lord Chancellor; and what I said to him and to other persons was, that I did not feel it consistent with my duty to deprive the promoters of those Bills of the services of men competent to discharge those duties; and that in my opinion only men of the highest judgment in the country, if they were free from other engagements, could dis-

charge those duties. I declined, therefore, to take any part in opposing that Bill, and I may have been, in some degree, responsible for the decision of some other Members of the Legislature not to oppose it.

SUPREME COURT OF JUDICATURE  
BILL.  
COMMONS' AMENDMENTS.

(*Commons' Amendments, 234.—The page and line of these Amendments refer to Bill No. [154.] as first printed by the Commons.*)

THE LORD CHANCELLOR: I now pass from this subject to address to your Lordships a few words in moving that your Lordships do take into consideration the Commons' Amendments to this Bill. So far as I am concerned, it is my intention to propose some consequential or corrective changes in those Amendments, but not to propose anything of importance which would interfere with what the House of Commons has done. Upon those matters it is not necessary now to trouble your Lordships in detail; but on one important point I have undertaken to propose to your Lordships an addition to the Amendments of the House of Commons, which I hope and believe will tend to produce a general agreement among your Lordships on a matter of great importance, which otherwise might be a subject of no slight division of opinion. It will be in your Lordships' recollection that when the Bill was introduced, the 18th clause, which authorizes Her Majesty if she think fit to constitute a new Court of Appeal, to hear those Appeals which now go to the Judicial Committee of the Privy Council, did not extend to appeals from the Ecclesiastical Courts. I stated to your Lordships at the time, on more than one occasion, the reason which had led me to make that exception. The subject was one of great and increasing importance, and had received a good deal of public consideration; and I was apprehensive that if I proposed by the Bill to deal with these ecclesiastical appeals the Bill would be overweighted and its success might be endangered. I stated at the same time to your Lordships that my own individual opinion was not opposed to a transfer of such appeals to the new Court of Appeal, but that I thought it

and Ireland; and when that was the case, why, he should ask, should it be altered? He had heard no argument why their Lordships should give up a jurisdiction which had been so satisfactorily exercised. It was admitted that the House had exercised its jurisdiction efficiently, and it might be still further improved by the introduction of certain high legal officers in this country into the House, and it might be, also, in certain instances, of high legal officers from Ireland and Scotland, so that as good an appellate tribunal as could be had might be secured in that way. He regretted that an Amendment which he had proposed, that where a further hearing should, in accordance with the suggestion of his noble Friend behind him (Lord Cairns) be considered necessary, it should be referred to this House, had been rejected. A third hearing might in some instances be highly desirable, as in those cases in which the decision of the first Court had been reversed, and there was nearly a balance of opinion among the Judges of the Appellate Court, and why should not such hearings be before their Lordships' House? If that Amendment had been adopted the ultimate appeal in England would have been reserved to the House of Lords without any interference with the general provisions of the Bill. He hoped that, in any future arrangement which might be made with respect to the constitution of a final Court of Appeal for all the three Kingdoms, that House would still be allowed to exercise a jurisdiction which it had shown itself perfectly competent to discharge. As to the proposal immediately before the House, asking their Lordships' assent to the Amendments made in the Bill by the House of Commons, he would observe that it was not right at the end of July that the House should be asked to consider a long list of Amendments in a Bill which had been sent back to it two days ago. That was not a satisfactory mode of proceeding in dealing with a measure constituting a High Court of Judicature as well as a Court of Ultimate Appeal, and he, for one, could not see what would be lost by postponing the settlement of the question for another year. Indeed, great advantage would, in his opinion, result from postponement, for the proposals contained in the Bill would undergo examination during the Recess,

and a more complete and satisfactory measure would in all probability be the result. If their Lordships were to dissent from the Commons' Amendments in any important respect, that House might, when the Bill went back, insist on their Amendments; and how, he should like to know, could the question be fairly discussed when the Bill was returned to their Lordships, perhaps at the close of another week?

*Moved*, To leave out from ("That") to the end of the Motion for the purpose of inserting the following words: ("As it is now admitted by the promoters of the Bill that there should be only one Court of Ultimate Appeal for the United Kingdom, and as it is uncertain whether any such Court can be newly constituted in England which will give the same satisfaction to Scotland and Ireland which it is admitted that this House has afforded, it is inexpedient, without allowing time for further inquiry, to pass a Bill which establishes a separate Court of Ultimate Appeal for England, and must therefore render a repeal of the settlement under the Acts of Union necessary, if the appeals from those countries are to be transferred to that Court, the formation of which will justify Scotland and Ireland desiring to have separate Courts of Ultimate Appeal in their own capitals if no longer allowed to come to this House; and it is therefore expedient that the consideration of the Amendments made by the House of Commons be deferred for three months.")—(*The Chairman of Committees.*)

THE ARCHBISHOP OF CANTERBURY said, he desired to say a few words on the particular point to which the noble and learned Lord on the Woolsack had made special reference in connection with the Amendments which had been introduced into the Bill in the House of Commons. The Bill came back to their Lordships in a very different state from that in which it had left them. His noble and learned Friend had been good enough to place him on the Select Committee to which the Bill had been referred simply because one of the clauses had reference to ecclesiastical matters: and after the fullest consideration it was resolved both in that Committee and in the House itself that ecclesiastical matters had better not be mixed up with a general measure of this kind. He could not help thinking that his noble and learned Friend had exercised a wise discretion when he avoided the somewhat extended range of ecclesiastical law and the thorny paths into which those who discussed that law would be likely to lead the House. It had turned out, however, that others had rushed in

where a Lord Chancellor feared to tread, and he was very much afraid that those who had so rushed in did so without that full consideration and understanding of the subject which its importance demanded. His noble and learned Friend was entitled to his personal thanks for his courtesy in consulting him on the subject of the Amendment which he intended to move; but he felt himself in some difficulty with regard to it, because he and those who held similar views on the question had been driven, as it were, into a corner. He had never been more surprised than when he learnt that before dinner on a day in July, when men's minds were naturally occupied with other thoughts besides those of the constitution of the Church of England, a sudden change had been made in the Bill, which was of such importance that a very eminent lawyer had declared in print that the introduction of that change altogether destroyed the Royal Supremacy in the Church in this land, and destroyed at the same the character of the Court of Appeal as belonging to a tribunal which was henceforward to have the highest cognizance in ecclesiastical matters. When he heard that, he confessed he felt more surprise than he could well express. He felt that in that matter they were almost in the condition of persons who were run off with in an express train, and did not know what in the world was to happen next. A right hon. Friend of his in the Lower House had communicated to him what had occurred there while he was at dinner. Immediately after he returned home, he received a letter from the Prime Minister. "Of course," he said to himself, "it must be a letter desiring to be made acquainted with my opinion and that of the Episcopal Bench in a matter which at all events very materially alters the constitution of the Church of these realms." Well, when he opened it, the language was, as it always was, courteous, but it informed him, in plain English, that the thing was done. And not only that the thing was done, but—what surprised him still more—that the right hon. Gentleman had consulted his Colleagues in the Cabinet on the propriety of doing it the day before, although no communication whatever had passed between the Heads of the Church and those who were engaged in quietly considering in the Cabinet whe-

ther the whole constitution of the Church should be altered or not. He did not know what was meant by "consulting one's Colleagues in the Cabinet;" but it was often said that when any Prime Minister had a specialty the Members of his Cabinet were more or less in the position of the *Kopha prosopa* with which they were all familiar in the Greek drama. He was therefore much obliged to the noble and learned Lord for having so far listened to the Episcopal Bench as, at all events, to have altered what appeared to be a total exclusion of the ecclesiastical element from the highest Court of Appeal in ecclesiastical causes. He was not unwilling to accept the modified proposal now made, because it enabled them probably to get out of a great difficulty. He thought, however, the mode in which the change was made after the Bill had left their Lordships' House was the strongest proof that it ought not to have been made, because he felt convinced that if a thing of that kind was done in such hot haste on so important a matter, it could not possibly be well done. He understood it was said that the unanimous feeling of the country was in its favour. Well, he had presented a number of Petitions that day, all of which were distinctly condemnatory of the course suggested—namely, that of excluding the ecclesiastical element from the Final Court of Appeal; and even, in these days of accelerated communication, it was almost impossible to make people aware of what was done in Parliament with sufficient speed to enable them to be awake to what was transacted so hurriedly. He was told that a large number of Petitions would be placed in his hands to-morrow morning to the same effect as those he had already presented; but by to-morrow morning the whole thing must necessarily be over. While, therefore, he was thankful for the modification of the proposal that was to be made, because it gave them something where they feared they would get nothing, yet he wished the country had had a more deliberate opportunity of expressing its opinion on that subject. Every clause of the Bill, as far as it referred to the Court of Appeal, might be viewed in a somewhat new aspect; because they must consider not only whether it was a good new Court of Appeal for the cases which would come before it from the

ordinary civil Courts, but whether it was a good Court of Appeal for the ecclesiastical matters which were to be imported into it. He did not know whether that new Court of Appeal was to be divided into a great number of, as it were, Committees, and whether they might not be so unfortunate, in that press of business which had been so graphically described as arising in the ordinary Courts, as to have their ecclesiastical affairs referred, perhaps, to not the most important members of that appellate tribunal. The writer of the pamphlet to which he had alluded stated that it was very important that persons acquainted with theology should be present, and should take a considerable part in the drawing up of its judgments—which might relate to such matters as the Real Presence in the bread and wine, the adoration of the consecrated elements, &c. If those most abstruse questions were to be brought before the highest Court of Appeal, it certainly did seem necessary that they should have the assurance that they would have the ablest Members of the Court present to hear those cases. It was not right that those matters should be decided by a simply civil tribunal; but it was not proposed even now to decide them by a purely civil tribunal. The Court of Delegates, to which the present Judicial Committee of the Privy Council succeeded, was not a civil tribunal any more than the Judicial Committee, when sitting upon ecclesiastical matters and having the whole powers of the Court of Delegates transferred to it, became in those cases a civil tribunal. The fact that a Court consisted entirely of laymen was not rendered thereby a civil tribunal. The Court of Arches, which sat in the name of the Archbishop of Canterbury, was presided over solely by laymen. The Consistory Court of London, which exercised its ecclesiastical powers in the name of the Bishop of London, was a distinctly Ecclesiastical Court, and was presided over by a layman. Their highest Court of Appeal would be an Ecclesiastical Court still, for it would represent the Queen in her ecclesiastical capacity as exercising the Supremacy of the Crown; and in that capacity it would be an ecclesiastical tribunal. Whether it consisted entirely of laymen, or of laymen advised by theologians, it would be an ecclesiastical tribunal. He wished that to be

distinctly understood; because he found another Amendment in the Bill which he did not understand, and although he had read the discussions in the other House they had not helped him to do so. That tribunal was to have all the powers of the Judicial Committee of Privy Council in matters ecclesiastical—those powers, descending from the Reformation throughout the whole course of the administration by the Court of Delegates, were now to be transferred to this Court of Appeal; and yet the most important part of the functions of that Ecclesiastical Court of Appeal were to be taken from it and transferred to the Court of Arches. That was, no longer was the sentence for degradation or suspension to be pronounced, as it had heretofore been, by this Ecclesiastical Court of Appeal; but they were to refer to the Court of Arches in order to give some sort of authority to the Court which was above. That, he thought, was a matter which required very serious consideration. It was proposed to transfer all the powers of the Judicial Committee to the new Court of Appeal, and yet, for some reasons which he should like to see explained, they proposed to deprive it of anything which gave it the semblance of being an Ecclesiastical Court. Various opinions had been expressed by Churchmen as to the proposed change, but for the greater part against handing over to a purely civil Court the decision of matters purely ecclesiastical. Indeed, one gentleman went so far as to declare his determination to treat with contempt the decision of a civil Court in such cases. For his own part, he was opposed to that proposal to deprive the last Court of Appeal in matters affecting the Church of that ancient ecclesiastical character which in one sentence the Bill seemed to preserve to it and in another to take from it. The subject was a very important one. It stirred the feelings of a great number of people. It had to do with the social and religious life of the country, and therefore it would be disrespectful to the Church and the people of England if their Lordships' House were to appear to hurry through a matter of such importance with the same speed with which it passed a Railway Bill.

THE MARQUESS OF SALISBURY said, that one observation made by the most rev. Prelate who had just spoken com-

elled him to say a few words in defence of a right hon. Friend of his in the other House. The most rev. Prelate had applied to his right hon. Friend the epithet which had become classical. [“What ?”] Well, he never used the word himself; but a noble Duke opposite (the Duke of St. Albans) had, and it appeared to have received the high sanction of the most rev. Prelate.

**THE ARCHBISHOP OF CANTERBURY:** I said “some persons.”

**THE MARQUESS OF SALISBURY:** The most rev. Prelate said that his right hon. Friend (Mr. Hardy) had taken the House of Commons by surprise in proposing his Amendment; but that allegation was entirely negatived by the fact that not only had due Notice been given of it, but the subject had been debated in their Lordships’ House, and the opinions in reference to it of the noble and learned Lord on the Woolsack, of other noble Lords, and of at least one Member of the Episcopal Bench had been expressed. Eventually it was only put aside lest the passing of the Bill in the House of Commons should be imperilled. Having been proposed in the House of Commons, there was an obvious reason why the Government should accept it without notice to the most rev. Prelate—they had only “Hobson’s choice” in the matter—if they had not accepted it they would simply have been beaten, for the unanimous opinion of the House of Commons—Conservative, Liberal, and Radical—was in favour of the change. And, perhaps, one reason why the Amendment was so speedily accepted was to be found in the phenomenon that during the discussion in either House no speaker rose to defend the composition of the Judicial Committee of the Privy Council with the exception of the two most rev. Prelates. They sat absolutely alone. Except the two most rev. Prelates, the tribunal seemed to have no adherents. But the most rev. Prelate said that the clergy were in favour of it, and that he had presented numerous Petitions. Did he forget the petition which had been presented against it to the Lower House of Convocation.

**THE ARCHBISHOP OF CANTERBURY:** That petition expressed the opinion of individual clergymen—not that of the Lower House of Convocation as a body.

**THE MARQUESS OF SALISBURY:** It expressed the opinions of 38 representative members of the Province of Canterbury, and no counter opinion whatever was expressed. He did not propose to follow the most rev. Prelate into a technical legal discussion in reference to this change. In his opinion, it was not the case that the Court of Delegates was composed of spiritual persons. It was composed of persons, lay or clerical, at the will of the Sovereign—and, as a matter of fact, he believed the Court of Delegates had sat only four times from the Reformation down to the present day in order to decide cases relating to Church discipline. He trusted that the provision suggested by the noble and learned Lord on the Woolsack would tend to the attainment of the end he had in view—namely, the furnishing of the best information to the Court of Appeal on ecclesiastical subjects. Whether it would do so or not, would depend in a great measure on the mode in which the new rules were framed. For his part, he could have wished that the power of summoning Assessors had been extended beyond the Episcopal Bench to all divines, because it was obvious that the gift of ecclesiastical learning did not, any more than that of reading or writing, come by nature. Still less did it come by virtue of official position. There had been, and there were Prelates distinguished by learning of all kinds—there had been, and there were Prelates distinguished for that abstruse branch of knowledge, canon and ecclesiastical law. But it did not follow that because a man was a Bishop, therefore he was a man of such attainments. Bishops were chosen for a variety of reasons—exalted piety, personal influence, successful administration of a parish; but they might not have the least capacity for giving information to Judges as to questions of ecclesiastical law. He hoped, therefore, that under the rules to be framed, it would be secured that the Assessors to be chosen should not only have high rank in the Church but also capacity to give sound advice to the appellate tribunal. To assume that a Bishop, because he was a Bishop, must therefore be versed in ecclesiastical law, was equivalent to assuming that an Admiral, because he was an Admiral, was therefore learned in the law of the Court of Admiralty. It was, doubtless, inconve-

nient to interpolate one debate into the middle of another, but he was not the first offender; and he could not, without some observation, hear the classical term by which they now designated each other in that House extended to so inoffensive a person as Mr. Hardy. The great object to be attained was that henceforth no suspicion, just or unjust, of partiality should rest on those who occupied the position of Judges of Appeal in ecclesiastical causes. He had no doubt whatever that the most rev. Prelates who heretofore sat in judgment on these cases had honestly endeavoured to dismiss all bias from their minds; but by their office and by the nature of their duties, it tended very much to controversy in the Church, that a clergyman brought before the tribunal of which they formed part should see before him men whom he might possibly regard as his leading adversaries. No doubt they were very unjust in imputing partiality, but the possibility of such a thing being said was almost as bad as if it were really true. For the future, however, such a thing would be impossible, and the country would have the satisfaction of knowing that the clergy, like other people, would be judged in the last resort by persons of learning, who were sure to be well advised. He deprecated the proposal of the Attorney General that when sentence was pronounced by the secular Court it should be handed over for execution to the spiritual Court below. He could understand a spiritual Court delegating the execution of its sentences to a secular Court; but the course which had been followed in this case was a curious reversal of the power. He hoped the noble and learned Lord on the Woolsack would not consider it inconsistent with his proposal to modify that Amendment, which he was sure would not find favour with the House.

LORD CAIRNS said, that nothing could be worse for the country than over-rapid legislation—namely, legislation without giving people adequate notice of what was about to be done. Such legislation could not be justified on the ground that everybody must approve what was done, for the first object should be to make the country perfectly aware of the course it was intended to take. Now, with regard to ecclesiastical appeals, he regretted that means were not taken to put deliberately before the

country the course intended to be taken by the Government. He could understand how they had been led into it; but he could not help regretting the absence of Notice, and he could not agree with his noble Friend (the Marquess of Salisbury) that because certain members of Convocation and speakers "elsewhere" had all approved a change in a particular direction, this was to be taken as the general opinion. People who wanted a change were the people to speak out promptly; while it was not till the proposal was fully placed before them that others, who perhaps did not want a change, applied their minds to it, and expressed an opinion upon it. He himself wished for a change as regarded the hearing of ecclesiastical appeals. One reason was that at present, in any case exciting immense interest and stirring to the depths the different schools of thought in the Church, the body hearing it was necessarily formed for that particular purpose. He knew as a matter of fact that this had always been done in the best possible way and with the best possible objects; but it was always open to people out-of-doors to say that particular men had been chosen to hear a particular case. That could not be satisfactory; and he believed the dissatisfaction rose to a height in the present year, when a Gentleman for whom he had great respect was appointed under the Sign Manual a Member of the Judicial Committee on the eve of an important ecclesiastical case. He had had no judicial, and he believed no forensic experience, but he sat on that case; was supposed, rightly or wrongly, to have advocated the views of one particular side in the question to be argued; and as far as he knew had never sat upon any other case. Another reason for dissatisfaction was, that if it was desirable to have a fair representation of ecclesiastics as Judges, the actual representation—never more than two, and often only one—was altogether insufficient. On the other hand, those who objected to any ecclesiastical element were also dissatisfied. The proposal of his noble and learned Friend—though he was sorry there had not been more time to let the public know what was to be done—had so much to recommend it that he was not prepared to advise their Lordships to reject it. As he understood it, Her Majesty, as supreme over all

causes ecclesiastical and temporal, would fix by an Order in Council the number of Members of the Supreme Appellate Court to hear ecclesiastical cases, and would prescribe who were to hear them, so that the Court would not be composed for every particular case. The proposal also secured an ecclesiastical element in the most desirable form. The advice and instruction of highly-cultivated minds were required on matters of phraseology and more important points, and such persons would give by private communications to the lay Members that assistance of which they always stood in need. He did not agree with his noble Friend that there should be an indiscriminate power of summoning divines, for that would lead again to the error of a Court *ad hoc*. An Order in Council could not prescribe what divines were permanently to act as Assessors, whereas it was easy to prescribe the number of Bishops who were to act. As to the proposal of the noble Lord (Lord Redesdale), he was disappointed with some of the changes made by the House of Commons in the position of the Court to which their Lordships were willing to surrender their Appellate Jurisdiction, but he was not without hopes that some of these matters might yet be adjusted, and entertaining such hopes he could not at this stage support a Motion which would preclude the opportunity for such Amendments.

THE EARL OF CARNARVON said, he regretted the declaration just made by his noble and learned Friend (Lord Cairns), for the Bill had come back from the other House at such a late period, and the Amendments that had been made were so important, that he thought further time ought to be allowed for their consideration. The House had wandered into a discussion as to ecclesiastical appeals, but the present question was whether the Commons' Amendments should be considered. He had had great difficulty in making up his mind on this point, one reason being that it was a great legal question, and that a layman must hesitate to express an opinion on points which might be of a technical nature. The matter, however, concerned the honour, dignity, and interests of the House, and therefore concerned the country which had committed these to their charge. Great, moreover, as might be the force of legal authority

arrayed in favour of the Bill, both in its first and last stages in this House, he believed that in the searching criticism it had undergone in "another place," not a single lawyer except the legal Members of the Government could fairly be said to have supported it. The measure, too, had come back largely altered, and owing to the pressure of time had not been printed in the usual form; for instead of red ink showing what had been altered and expunged, their Lordships had nothing but the original Bill and the Bill as it left the Commons, with pages of close print, containing the alterations; and it was difficult for all but the most acute minds to ascertain the exact position of the matter. Some of the changes were very extensive, and the noble Lord's argument that they wanted a little more time fully to consider the question was a reasonable one. There was one objection which he entertained to the Bill as altered he desired to express to the House—it was, that that which was, no doubt, a very high-class Court of Appeal had been converted into a Court of an inferior nature to that proposed by this House. Was it for such a Court that their Lordships gave up so large a portion of their jurisdiction? The next point on which he wished to touch was the question of the salaries to be paid to the Judges. The salaries represented the value which the State set upon the services rendered. Their Lordships would remember that the salaries originally contemplated were £7,000; but when the Bill left their Lordships' House the salaries were fixed at £6,000 per annum; the House of Commons, however, had made a still further reduction, and it had come back with the amount reduced to £5,000. But this was not the whole question. When a Committee sat to inquire into and consider this very question, the decision arrived at was that £6,000 per annum would be a very fair minimum salary to fix for the Judges appointed in the new Courts to be constituted; but this recommendation had been disregarded in "another place," when Mr. Vernon Harcourt, a strong supporter of the Government, expressed his opinion that if the House of Commons, with unwise parsimony, reduced the salaries of the Members of the Court of Appeal to £5,000 per annum, the House of Lords

would be well entitled to refuse to pass a Bill containing such a proposal. [“Order!”] He would not refer further to the debate in “another place,” but would be content with quoting Mr. Harcourt’s opinion. He was aware that it might be urged that the salaries of the paid Members of the Judicial Committee of the Privy Council were £5,000 a-year; but he would remind their Lordships of the fact that it was not very easy to obtain such Members at such a rate of payment. They were not to take individual cases in dealing with such a question as this. It might be possible now to induce lawyers of eminence to accept the positions with that rate of remuneration attached to them; but he very much doubted whether such a state of things would long continue. The truth was that in this, as in other respects, Her Majesty’s Government were actuated by a spirit of parsimony in small things and of extravagance in matters of greater moment. It must not be forgotten that parsimony in the matter of salaries paid to Judges meant a lowering of the whole judicial standard; because it was not to be expected that men of the highest character and legal ability would accept laborious duties with a niggardly scale of payment attached thereto. There was another and more serious objection to this branch of the measure as it had come back to their Lordships’ House. Clause 13 had for its marginal note the words “Pension of Lord Chancellor,” but, instead of these words, the note should have read, “The future status of the retiring Lord Chancellor,” for the clause provided that no pension should be granted in future unless the retiring Lord Chancellor signified in writing his willingness to serve as an additional Judge of the Court of Appeal, or unless he should have served 10 years as Chancellor or 15 years first as Chancellor and then as Judge. Let them consider the position in which this would place the Lord Chancellor. An ex-Chancellor had been the highest officer in the State, the head of the law, the Keeper of the Sovereign’s conscience, and the embodiment, may be, of some of the finest passages in English history; yet it was proposed henceforward to put him under the lowered and degraded conditions contemplated by the clause to which he was referring. If he left his argument at this point he believed he

would have made out a sufficient case in support of his contention; but he had a further and still stronger objection to urge. This Bill came back to their Lordships’ House as an avowed instalment of some future measure, and he most earnestly objected to any such course. It was true that the House of Commons had given up the position they took in reference to the Irish and Scotch appeals; but what security was there that if the Bill passed this Session in its present form, an attempt would not be made next Session to resume the position from which they had temporarily retired? The effect of taking up again the question of Irish and Scotch appeals, and dealing with them in the manner suggested in “another place,” would, in his opinion, be to lower, what ought to be an Imperial tribunal to the level of a provincial Court. An hon. Member of the House of Commons who was supposed to represent the Home Rule party in Ireland, had stated very significantly that the Irish people would not be satisfied with the measure in its present form, and he therefore strongly deprecated the taking of a course which could possibly stir up a fresh source of contention and bitterness on the other side of the Channel. Their Lordships had already made great concessions to Ireland, and had obtained small thanks for it—the fate as a rule of those who made surrenders to a majority—and he urged that no further similar concessions should be made at the present time. One of the most remarkable men who ever sat in that House made a speech nearly 200 years ago, in which he put with great force the point he was now urging. Lord Shaftesbury said—

“This matter is no less than your whole judicature; and your judicature is the life and soul of the dignity of the Peerage in England; you will quickly grow burdensome if you grow useless. You have now the greatest and most useful end of Parliaments principally in you, which is not to make new laws, but to redress grievances and to maintain the old landmarks.”—  
[*Parl. Hist.* iv. 793.]

Their Lordships should beware, at all events, of acting hastily in this matter. He did not ask them to insist upon Privilege. The question of Privilege had been disposed of, and Privilege, like Prerogative was a dangerous weapon. He did not ask their Lordships to retract what they had once done, because the question which had arisen was a new

one. He did not ask them to reject the Bill—he merely asked them to give it a little further consideration. If, in consequence of the Government running their Lordships into this corner, the indirect result of the Motion was the failure of the Bill, the fault was theirs. Like the most rev. Prelate, he deprecated hot and unstatesmanlike haste in this matter. Their Lordships were fully entitled to take time and consider this large question as a whole; not piecemeal, for it was a question which involved the rights and powers of the House, and that which was of even greater importance—the trusts and duties for which it was responsible to the people of this country.

LORD HATHERLEY said, there were two points on which he wished to address a very few words to their Lordships. One was the change made in the Bill as to ecclesiastical appeals; the other was the recommendation that their Lordships should postpone the measure for another year—a course which would, in his opinion, be attended with inconceivable mischief to the country. Upon the first point he shared the opinion of the most rev. Prelate (the Archbishop of Canterbury) that it was desirable that the construction and powers of the new Court should not be open to misconception or misunderstanding, and that it should be made perfectly clear that though presided over by lawyers it was still an Ecclesiastical Court of Appeal for ecclesiastical causes. He should therefore prefer to omit the provision that where suspension or deprivation might ensue as a consequence of their judgment, the Court should hand over that part of the case to the Court of Arches. Such a provision would lead to the inference that the new Court of Appeal was not an Ecclesiastical Court—which it undoubtedly would be. The character of a Court did not depend upon the profession of the Judges. Down to the reign of James I. the Court of Chancery was, more frequently than not, presided over by an ecclesiastic, but that did not make the Court of Chancery an Ecclesiastical Court. Again, the fact that Lord Stowell, Dr. Lushington, and other laymen presided in the Court of Arches did not make that a lay or civil Court. The question in all such cases was not “Who are the Judges?” but “Under what authority do they sit?” Ever since the Reformation the Crown, being supreme in all

causes, ecclesiastical as well as civil, united in itself both functions, and conferred these two functions upon the various Courts by which it was represented. As it had been pointed out in an able publication by Mr. Fremantle, cases had occurred in which not a single ecclesiastic had sat in the Court of Delegates upon appeals coming to them from the Court of Arches. But that fact did not make the Court of Delegates the less an Ecclesiastical Court; and there was no doubt that the new Court of Appeal, when sitting upon appeals from the Court of Arches, would be to all intents and purposes an Ecclesiastical Court, possessing powers of suspension and deprivation, and all other powers incidental to an Ecclesiastical Court. Within his own experience the Judicial Committee had exercised the painful duty of suspending a clergyman for disobeying the order of the Court, and as a process for compelling obedience. They looked into the authorities in that case, and found that the Judicial Committee sat under the authority of a statute which gave them all the powers of the Court of Delegates—a Court which constantly exercised the power of suspending and depriving clergymen; and that power would clearly be transferred to the new tribunal. As to the postponement of the Bill, he would remind their Lordships that the question had been under discussion for years past; that their Lordships themselves had resigned their Appellate Jurisdiction as regarded England; and that the whole community were looking forward anxiously to the establishment of a new appellate tribunal. Why were their Lordships to delay the establishment of such a tribunal for England, because it was possible that hereafter Scotland and Ireland might also desire to resort to it? The Bill as it stood would not take effect till November in next year, and if it were delayed till next Session the new Appellate Court would not be formed till November two years. Their Lordships had been told that the object of the new Court was to get rid of double appeals; but a still more cogent reason was, that the House of Lords were not a Court sitting continuously, like other Courts of Judicature, and that their Lordships depended for the hearing of appeals upon very precarious assistance. The decisions in appeal cases were really the decisions,

not of the House of Lords, but of what might be termed a small Committee of the House, subject to the risks of illness and death; and one instance of the precariousness of this assistance had just occurred in the removal by death of a noble and learned Lord who had appeared till recently to be stronger and more vigorous than he (Lord Hatherley) was, and whose valuable services had been lost to the House by a singularly rapid and unexpected illness. At such a time, and after this illustration of the risks which were run in the present constitution of the Appellate Court, he appealed to their Lordships no longer to disappoint the expectations of the country, which had been looking forward to this Bill with a rare unanimity.

THE EARL OF HARROWBY said, it was most unfair to their Lordships that they should be called upon in the last days of the Session to consider new points that had been raised in the other House, on which the public mind had not yet been formed, and as to which it was impossible to say what direction opinion would take. This was not now an entire measure. Their Lordships had discussed an English Court of Appeal; the other House had been discussing an Imperial Court of Appeal. It did not follow that what was good for the one was good for the other. Their object should be to establish such a Court as should carry the greatest weight in the feelings and opinions of men. The superstructure their Lordships were now asked to sanction would have too narrow a basis. It might seem presumptuous in a layman to discuss the question—but was it not one of the essential elements of the highest Court of Appeal, that as much as possible it should consist of the same persons—and of a small number of persons, whose opinions should not vary from time to time, and who should be of higher attainments and higher authority than both those who appeared before them and, if possible, those from whose judgments appeal was brought? On all these points the Bill would lower the position of our highest Court of Appeal. If it was one of the heaviest charges against the existing system, that possibly the decisions of the House of Lords and of the Judicial Committee of the Privy Council might not always harmonize; what must it not be when there would be practically five Courts,

each supreme, and with such very varying elements—Irish, Scotch, Colonial, Indian? Further, it would lower the position of the Chancellor. As a Member of the House of Lords he could not be indifferent to that lowering of the dignity of the Great Seal of England—that Seal, to which such a romantic and mysterious interest was attached in English history. The noble and learned Lord who had just spoken (Lord Hatherley) had not shown that there was any pressing necessity for passing the Bill this Session. One of the grounds assigned for depriving the House of Lords of its Appellate Jurisdiction was that its sittings were not continuous. But were the sittings of the Courts continuous? Their Lordships had a vacation of six months, and the Courts had a vacation of four months. Was the difference between those vacations sufficient to justify what was now proposed? As to the insufficient judicial strength of the House of Lords, why were not the suggestions of the noble Lord the Chairman of Committees adopted by which the heads of all the Courts would have been made Peers for life? He thought no case of urgency had been made out for passing the Bill at such a period of the Session and should vote for the Amendment of the noble Lord the Chairman of Committees.

THE LORD CHANCELLOR said, the noble Earl who had just sat down had spoken as if he imagined that the Bill as returned to their Lordships would transfer Irish and Scotch appeals from their Lordships' House to a new Imperial Court for the hearing of English, Irish, and Scotch Appeals. The noble Earl was completely mistaken.

THE EARL OF HARROWBY said, he knew that was not intended by this Bill, but it laid the foundations for taking such a course next year.

THE LORD CHANCELLOR said, the arguments of the noble Earl were adapted to a case which was not before their Lordships. If their Lordships should be opposed to a transfer of the Scotch and Irish appeals, they would have ample opportunity when that transfer was proposed to consider and reject it; but he could imagine no course more likely to have the ultimate effect of forcing such a change on their Lordships, whether they approved it or not, than to say that all English appeals should be kept as at present, so long as

*Lord Hatherley*

Scotch and Irish appeals were separated from English appeals. So far as concerned the addition of ecclesiastical appeals, he hoped—and he thought he had every reason to hope, from what had been said on both sides of the House—that the manner in which it was proposed to modify that alteration would be generally acceptable. So far as related to the general scheme and arrangements of the Bill, and all the important machinery provided for the union of Law and Equity and the consolidation of the judicial powers, hardly any substantial alteration had been made by the House of Commons in the Bill. In the constitution of the High Court of Justice, only one alteration had been made, and that was not by any means of vital importance; he referred to the alteration which confined the judicial functions of the Lord Chancellor to the Court of Appeal. The fact that the salaries of the Judges of the Court of Appeal had been fixed in the other House at £5,000, instead of £6,000 per annum—though in strictness their Lordships had not inserted any amount in the Bill, it being the privilege of the House of Commons to fix salaries—was not a matter which should lead their Lordships to reject the measure, although they might be of opinion that the larger sum should have been determined upon. Upon this point he must further remark that the Appellate Judges would, in all probability, be most often selected from experienced Judges in the Courts of the First Instance, in which their salaries were also £5,000 a-year, subject to considerable expenses; and he ventured to say that those eminent men would not be disinclined to accept the still higher and less laborious dignity of Judge of the Court of Appeal, notwithstanding that they would not, beyond the saving, in some cases, of circuit expenses, derive pecuniary benefit from the change of position. The cases where gentlemen obtaining large emoluments at the Bar would refuse to accept the dignity in consequence of the reduction in the amount of the salary were very rare, and might be left out of consideration. The only other change of importance which had been made in the Bill by the other House was that which left it to the discretion of the Crown to appoint any three persons besides those expressly mentioned, to sit as Judges in

the Court of Appeal: whereas in the Bill as it passed their Lordships' House, those three additional Judges were to be selected from the existing Judges. This change, however, was merely intended to facilitate by greater liberty of choice, the working of the Bill. In conclusion, he ventured to remind their Lordships that this Bill was the result of very careful deliberation, extending over many years, that it had been very carefully considered in its passage through both Houses, and that it was now, with but few exceptions, in the same form in which it had met with their Lordships' approval. If the measure were to be rejected now, the whole legal business of the country would be thrown into confusion until future legislation could be had on the subject, and no measure which on a future occasion their Lordships were likely to pass could be expected to be returned to them from the House of Commons as little altered as the present Bill had been, neither was it probable that it would come back to their Lordships at an earlier period of the Session.

VISCOUNT MIDDLETON desired to draw attention to the evidence given before the Select Committee, as to the great value attached in the Colonies, and especially in India, to the fact that, presumptively, appeals to the Privy Council were heard by Her Majesty herself, and that the Judicial Committee was composed of the ablest of Her Majesty's legal servants. He had been so much struck with this statement that he had asked many Indian officials about it, and they all confirmed it. He feared that there would not be equal satisfaction with the new Court of Judicature. Since, however, their Lordships had accepted the Bill on the second reading he felt that he could not at that last stage offer any opposition to the measure. He regretted that it had not been considered and debated at greater length when it was before their Lordships on the previous occasion.

After a few words from Lord DENMAN, which were inaudible,

On Question, That the words proposed to be left out stand part of the Motion? their Lordships divided:—Contents, 61; Not-Contents, 34: Majority 27.

*Resolved in the Affirmative.*

## CONTENTS.

Canterbury, Archp.	Brodrick, L. ( <i>V. Middleton.</i> )
Selborne, L. ( <i>L. Chanceller.</i> )	Cairns, L. Calthorpe, L. Camoya, L. Chelmsford, L. Cloncurry, L. Congleton, L. Crofton, L. Dunning, L. ( <i>L. Rollo.</i> ) Dunsany, L. Ettrick, L. ( <i>L. Napier.</i> ) Foley, L. Hanmer, L. Hatherley, L. Heytesbury, L. Keane, L. Kenmare, L. ( <i>E. Kenmare.</i> ) Ker, L. ( <i>M. Lothian.</i> ) Kildare, L. ( <i>M. Kildare.</i> ) Lyttelton, L. Methuen, L. Monson, L. Poltimore, L. [ <i>Teller.</i> ] Ponsonby, L. ( <i>E. Beaufort.</i> ) Rosebery, L. ( <i>E. Rosebery.</i> ) Sheffield, L. ( <i>E. Sheffield.</i> ) Skelmersdale, L. Somerton, L. ( <i>E. Norhampton.</i> ) Sudeley, L. Sundridge, L. ( <i>D. Argyll.</i> ) Waveney, L. Wrottesley, L. <i>Boyle, L. (<i>E. Cork and Orrery.</i>) [Teller.]</i> <i>Brancaster, L. (<i>V. Boyne.</i>)</i>
Canterbury, V.	
Halifax, V.	
Hawarden, V.	
Leinster, V. ( <i>D. Leinster.</i> )	
Torrington, V.	
Chichester, Bp.	
Exeter, Bp.	
London, Bp.	
Oxford, Bp.	
Rochester, Bp.	

## NOT-CONTENTS.

Buckingham and Chandos, D. [ <i>Teller.</i> ]	Clancarty, V. ( <i>E. Clancarty.</i> )
Rutland, D.	
Bristol, M.	Boston, L.
Bute, M.	Clinton, L.
Amherst, E.	Denman, L.
Bantry, E.	Ellenborough, L.
Bathurst, E.	Fitzwalter, L.
Beauchamp, E.	Gormanston, L. ( <i>V. Gormanston.</i> )
Carnarvon, E.	Howard de Walden, L.
Doncaster, E. ( <i>D. Bucleigh and Queenberry.</i> )	Oranmore and Browne, L.
Feversham, E.	Redesdale, L. [ <i>Teller.</i> ]
Gainsborough, E.	Saltoun, L.
Harrowby, E.	Silchester, L. ( <i>E. Longford.</i> )
Leven and Melville, E.	Sinclair, L.
Mansfield, E.	Thurlow, L.
Powis, E.	Wigan, L. ( <i>E. Crawford and Balcarres.</i> )
Selkirk, E.	Wynford, L.
Strange, E. ( <i>D. Athol.</i> )	

Original Motion agreed to; Commons Amendments considered accordingly; several Amendments agreed to.

Clause 5, line 12, leave out ("The Lord Chancellor").

LORD CAIRNS objected to the Amendment, pointing out that the effect of it would be to deprive the Lord Chancellor of that proper status as the head of the Chancery Division of the new Court to which his position entitled him, and that position would be taken by the Master of the Rolls. The Amendment in fact altered materially for the worse the position of the Lord Chancellor, and would place him in the position in which no Lord Chancellor had ever been placed before—that of being a stranger in a Court which had hitherto been called his own, causing him to sit as a mere unit in the Court of Appeal. He therefore asked their Lordships to disagree to the Commons' Amendment, so as to maintain the Lord Chancellor in the Primary Court, and keep up the necessary and useful connection between the Lord Chancellor and Chancery.

Moved, to disagree to the Amendment made by the Commons in Clause 5, page 2, line 12, viz., to leave out ("The Lord Chancellor.")—(The Lord Cairns.)

THE LORD CHANCELLOR said, he could not assent to the rejection of the Amendment made by the other House. It made, in his opinion, the Bill more symmetrical, and more in conformity with what would be the actual practice.

On Question? Their Lordships divided:—Contents, 48; Not-Contents, 36: Majority 12.

Resolved in the Affirmative; and Commons' Amendment disagreed to; several Amendments agreed to.

Clause 8 (Qualifications of Judges. Not required to be Serjeants-at-Law), after ("person") in line 11, leave out to ("Chancery") in line 13, and insert—

("Being or having been a barrister in England or Ireland, or an advocate in Scotland respectively of not less than fifteen years standing, or a Judge of the High Court of Justice of not less than one year's standing.")

LORD CAIRNS moved to omit the words inserted by the Commons making membership of the Bar in Scotland and Ireland a qualification for sitting in the Supreme Court of Appeal. The insertion of those words was premature, and he proposed that they should be struck out.

Amendment disagreed to; clause struck out.

**Clause 10 (Precedence of Judges).**

In line 28, leave out from ("The") to ("thereof") in line 36, and insert—

"The ex officio Judges of the Court of Appeal shall rank in the Supreme Court in the order of their present respective official precedence; and after them the rest of the Judges of the Court of Appeal, whether additional or ordinary, shall rank according to the priority of their respective appointments to be Judges thereof: Provided always, that it shall be lawful for Her Majesty to give such precedence in the Supreme Court to any additional Judge who shall have been Lord Chancellor as she may think fit."

After a few words from the **LORD CHANCELLOR**,

Amendments made, and Commons Amendments, as amended, *agreed to.*

New Clause A. (Pension of Lord Chancellor.) *Moved*, to agree to the Amendment inserting the said Clause.

**LORD CHELMSFORD** said, he considered that the clause was a most degrading one. The Judges of the Court of Appeal were to have £5,000 a-year; but the clause enacted that if the ex-Lord Chancellor did not attend the Appellate Court he should lose £5,000 a-year—that was to say, be deprived of his pension. That provision would place future Lord Chancellors in a degraded position. It was said that an ex-Lord Chancellor was bound to give his services to their Lordships' House, and he agreed that there was a moral obligation on them to do so—not as ex-Lord Chancellors, but as Peers. That moral obligation had been amply recognized not only by past and present ex-Lord Chancellors, but by his noble and learned Friend who formerly held the office of Lord Justice General in Scotland. He hoped their Lordships would not agree to the clause.

**THE LORD CHANCELLOR** proposed to correct a clerical error in the clause, pointed out by the Clerk. The clause recited that the Judges were to receive retiring pensions "as provided by the Act of his late Majesty William I." He confessed he did not know what retiring pensions were provided for his retiring Judges by William the Conqueror. He proposed to amend the error by altering it to William IV.

**LORD CHELMSFORD** remarked that this would be the alteration of a money clause.

**THE LORD CHANCELLOR** said, that in this case he thought their Lordships

might make the alteration without fear of the Commons taking objection on the score of Privilege. As to the clause itself, he should be as ready to render such service as an ex-Chancellor, without any such provision, as if he were placed under the extremest legal compulsion, and he believed this would be the opinion of others; but he should be sorry if their Lordships, on a point of so little practical operation, ran the risk of a collision with the other House.

**THE MARQUESS OF SALISBURY** said, he could understand the objection to their Lordships altering a money clause, but thought it must be in their power to strike it out.

**LORD CAIRNS** was of the same opinion; the Act of the last reign regulating the salary of the Lord Chancellor could not be repealed without the consent of both Houses.

**THE LORD CHANCELLOR** had not said that an objection by the House of Commons in this case would be a sound view of Privilege, but he feared these were days of exaggerated views of Privilege.

On Question? *Resolved in the Negative.*

Amendment *disagreed to.*

New Clause B. (Salaries of future Judges.)

*Moved*, to agree to the Amendment inserting the said Clause.

**LORD CAIRNS** expressed a doubt whether the new clause gave any salary to the ordinary Judges of the Court of Appeal, for after assigning the Lord Chancellor and Chief Justices, the Master of the Rolls, and the Chief Baron, "the same annual sums which the holders of those offices now respectively receive," it proceeded—"To each of the ordinary Judges of the Court of Appeal"—nothing—the following line giving to each of the other Judges of the High Court of Justice the sum of £5,000 a-year.

**THE LORD CHANCELLOR** said, he was happy to state that after consulting a high authority connected with "another place," he had found that the correction of a clerical error even in a money clause was not an alarming breach of Privilege. He should, consequently, propose to insert "and" after the words quoted by his noble and learned Friend, thus giving those Judges £5,000.

LORD CAIRNS remarked that last year the Government proposed £6,000 as the salary of the Appellate Judges, and that though this year they proposed £5,000, the Select Committee substituted £6,000, which sum went down in red ink to the Commons, as an intimation of their Lordships' expectations of the character of the Court to which they transferred their Appellate Jurisdiction. High appointments were declined a short time ago by those to whom they were first offered, because the salary was only £5,000; and £1,000 a-year to a middle-aged man might make all the difference whether he was able to provide for his family or not. The Chief Justices, the Chief Baron, and the Master of the Rolls, nominally Members of the Appellate Court, but practically Judges of the Primary Courts, were to have £8,000, £7,000, and £6,000; and if, as was argued by the Government elsewhere, these were the prizes of the profession, the best men would stand out and wait for them—so that the Primary Courts would have the men with the great prizes, and the Appellate Court, which ought to be the strongest, would have no prizes. A man would actually be benefited by being taken out of the Appellate Court and made a Chief Baron or Master of the Rolls. They were going to make a change even more important than the one he had alluded to—namely, to determine that in future there should be only one appeal from the decision of the Primary Courts. If the salaries were fixed as proposed in the Bill, and, as a result, the ablest men sought and obtained positions in the Primary Courts, their decisions, even though unanimous, might be irreversibly overturned by a majority in a Court composed of less able men. The question had been decided in the other House contrary to the opinion of men on both sides of the House who were most competent to give an opinion upon it; and, as it would not be necessary for the purposes of the Act to fix the salaries until next Session, he would suggest that the clause be omitted from the Bill in order to give the other House time to afford to the question the full consideration in all its bearings which it had not as yet received.

THE LORD CHANCELLOR hoped their Lordships would not accede to the suggestion of his noble and learned Friend. The effect of such a decision

could not possibly be mistaken by the other House of Parliament, and if passed would render nugatory everything else that had been done. He did not believe that the adoption of £6,000 as the salary, instead of £5,000, would make the slightest difference in the ability of the persons who would be induced to accept positions on the Judicial Bench, because £6,000 would still be £2,000 less in some cases, and £1,000 less in others than the salaries paid to the highest class of Judges in the Primary Courts.

LORD HATHERLEY also hoped the proposal of his noble and learned Friend would not be acceded to. If the clause was struck out, the House of Commons could not avoid the conclusion that their Lordships' House, instead of simply desiring that the proposal contained in the clause should receive further consideration, wished to fix the amount of salary to be paid. The omission would therefore be fatal to the Bill, for the Commons would certainly not allow their Lordships to exercise their privilege of fixing the amount of the salaries of the Judges. The clause was a money clause, and it was the Privilege of the Commons solely to deal with it.

LORD CAIRNS said, that to omit the clause would be no interference with the Privileges of the Commons; the effect of the omission would simply be to leave the matter open to the Commons to consider. However, he would not persist in asking the omission of the clause, but would content himself with protesting strongly against the proposal of the Bill.

The word "and" inserted.

Moved, to agree to Clause B. (inserted by the Commons), as amended.—(The Lord Chancellor.)

On Question? their Lordships divided:—Contents 46; Not-Contents 24: Majority 22.

Clause, as amended, agreed to.

New Clauses (C.) (Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal); and (D.) (Salaries and Pensions how to be paid) agreed to.

Clause 18 (Power to transfer jurisdiction of Judicial Committee by Order in Council).

Moved, to disagree to the Amendment made by the Commons, and to insert in lieu thereof—

(“The Court of Appeal, when hearing any Appeals in Ecclesiastical Causes which may be referred to it in manner aforesaid, shall be constituted of such and so many of the Judges thereof, and shall be assisted by such assessors, being Archbishops or Bishops of the Church of England, as Her Majesty by any general rules made with the advice of the Judges of the said Court, or any five of them (of whom the Lord Chancellor shall be one) and of the Archbishops and Bishops who are Members of Her Majesty’s Privy Council, or any two of them (and which general orders shall be made by Order in Council) may think fit to direct: Provided, That such rules shall be laid before each House of Parliament within forty days of making the same, if Parliament be then sitting; or, if not, then within forty days of the commencement of the then next ensuing Session, and if either House of Parliament shall within two months object to any of the said rules, it shall be void and of no effect.”—(*The Lord Chancellor.*)

THE BISHOP OF LONDON said, the most rev. Prelate (the Archbishop of Canterbury) had been taken severely to task for his remarks on this subject; but the surprise he had expressed was not at the transfer of ecclesiastical causes to the new Court of Appeal, but that the transfer should be effected without precautions against the effects of a change which would cause an entire revolution in this respect. There never had been a period at which ecclesiastical persons had not formed part of every Court for the hearing of ecclesiastical appeals.

On Question? *Resolved* in the *Affirmative.*

Several Amendments disagreed to; some agreed to; some agreed to, with Amendments.

A Committee appointed to draw up Reasons to be offered to the Commons for disagreeing to several of their Amendments; Committee to meet *To-morrow*, at a quarter before Five o’clock.

#### PROTEST.

#### “DISSENTIENT:

“1. Because the Bill was returned to this House late on Tuesday night, and the ten pages of important Amendments made by the Commons were only delivered to the Peers in the course of this morning, and the manner in which it might be proposed to deal with any of them either by rejection or alteration was unknown to the House generally until after the Motion was made that the Commons Amendments be now considered.

“2. Because by assenting to this Bill this House abandons its ancient prerogative of being the Supreme Court of Appeal in England when the expediency of having only one such Court for the United Kingdom, which was denied by the promoters of the Bill while it was passing

through this House, is now admitted by those who then voted against it, and as it must be uncertain whether the Court constituted under this Bill will give the same satisfaction to Scotland and Ireland which it is admitted that this House has afforded, it is important that time should be allowed for further consideration before this House agrees to establish a separate Court of Ultimate Appeal for England, which will justify a demand from Scotland and Ireland for similar Courts in their own capitals if no longer allowed to appeal to this House.”

“REDESDALE, BEAUCHAMP, RUTLAND, SELKIRK, HERTFORD, HOUGHTON, DENBIGH, CLANCARTY, ELLENBOROUGH, BATHURST, THURLOW, DONCASTER, ABERGAVENNY, FEVERSHAM, GAINSBOROUGH, SALTOON, WYNFORD.

“For the whole protest down to the second ‘England’ in the second paragraph.

“DENMAN.”

House adjourned at a quarter past Eleven o’clock, till To-morrow,  
Eleven o’clock.

#### HOUSE OF COMMONS,

*Thursday, 24th July, 1873.*

MINUTES.] — SELECT COMMITTEE — Report—Imprisonment for Debt [No. 348]. PUBLIC BILLS — Ordered — First Reading — Expiring Laws Continuance\* [261].

First Reading — Telegraphs\* [262]. Second Reading — Rating Liability (Ireland) [246]; Public Schools (Eton College Property)\* [251]; Defence Acts Amendment\* [255].

Committee — Slave Trade (Consolidation)\* [249] — R.P.

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Third Reading — Ecclesiastical Commissioners\* [235]; Penalties (Ireland)\* [239], and passed. Withdrawn — Household Franchise (Counties)\* [3]; Household Suffrage Counties (Scotland)\* [50]; Landed Estates Court (Ireland) (Judges) [182]; Public Meetings (Ireland)\* [167].

#### NEWFOUNDLAND—TELEGRAPHIC COMMUNICATION.—QUESTION.

SIR JOHN KENNAWAY (for Lord CLAUD JOHN HAMILTON) asked the Under Secretary of State for the Colonies, If it is the intention of the Newfoundland Government to determine the monopoly which now exists in telegraphic communication between Ireland and Newfoundland, and open the line to all cables and telegraph lines across the Island,

LORD CAIRNS remarked that last year the Government proposed £6,000 as the salary of the Appellate Judges, and that though this year they proposed £5,000, the Select Committee substituted £6,000, which sum went down in red ink to the Commons, as an intimation of their Lordships' expectations of the character of the Court to which they transferred their Appellate Jurisdiction. High appointments were declined a short time ago by those to whom they were first offered, because the salary was only £5,000; and £1,000 a-year to a middle-aged man might make all the difference whether he was able to provide for his family or not. The Chief Justices, the Chief Baron, and the Master of the Rolls, nominally Members of the Appellate Court, but practically Judges of the Primary Courts, were to have £8,000, £7,000, and £6,000; and if, as was argued by the Government elsewhere, these were the prizes of the profession, the best men would stand out and wait for them—so that the Primary Courts would have the men with the great prizes, and the Appellate Court, which ought to be the strongest, would have no prizes. A man would actually be benefited by being taken out of the Appellate Court and made a Chief Baron or Master of the Rolls. They were going to make a change even more important than the one he had alluded to—namely, to determine that in future there should be only one appeal from the decision of the Primary Courts. If the salaries were fixed as proposed in the Bill, and, as a result, the ablest men sought and obtained positions in the Primary Courts, their decisions, even though unanimous, might be irreversibly overturned by a majority in a Court composed of less able men. The question had been decided in the other House contrary to the opinion of men on both sides of the House who were most competent to give an opinion upon it; and, as it would not be necessary for the purposes of the Act to fix the salaries until next Session, he would suggest that the clause be omitted from the Bill in order to give the other House time to afford to the question the full consideration in all its bearings which it had not as yet received.

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The word "and" inserted.

Moved, to agree to Clause B. (inserted by the Commons), as amended.—(The Lord Chancellor.)

On Question? their Lordships divided:—Contents 46; Not-Contents 24: Majority 22.

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“2. Because by assenting to this Bill this House abandons its ancient prerogative of being the Supreme Court of Appeal in England when the expediency of having only one such Court for the United Kingdom, which was denied by the promoters of the Bill while it was passing

through this House, is now admitted by those who then voted against it, and as it must be uncertain whether the Court constituted under this Bill will give the same satisfaction to Scotland and Ireland which it is admitted that this House has afforded, it is important that time should be allowed for further consideration before this House agrees to establish a separate Court of Ultimate Appeal for England, which will justify a demand from Scotland and Ireland for similar Courts in their own capitals if no longer allowed to appeal to this House.”

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“For the whole protest down to the second ‘England’ in the second paragraph.

“DENMAN.”

House adjourned at a quarter past Eleven o’clock, till To-morrow,  
Eleven o’clock.

#### HOUSE OF COMMONS,

Thursday, 24th July, 1873.

MINUTES.] — SELECT COMMITTEE — Report—Imprisonment for Debt [No. 348].

PUBLIC BILLS — Ordered — First Reading — Expiring Laws Continuance\* [261].

First Reading — Telegraphs\* [262].

Second Reading — Rating Liability (Ireland) [246]; Public Schools (Eton College Property)\* [261]; Defence Acts Amendment\* [255].

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Withdrawn — Household Franchise (Counties)\* [3]; Household Suffrage Counties (Scotland)\* [50]; Landed Estates Court (Ireland) (Judges) [182]; Public Meetings (Ireland)\* [157].

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SIR JOHN KENNAWAY (for Lord CLAUD JOHN HAMILTON) asked the Under Secretary of State for the Colonies, If it is the intention of the Newfoundland Government to determine the monopoly which now exists in telegraphic communication between Ireland and Newfoundland, and open the line to all cables and telegraph lines across the Island,

subject to a uniform tariff; and if any such notice has been given to the existing holders of the monopoly; and if any Correspondence has been received by the Imperial Government in relation to this matter; and if such Correspondence would be placed before the House?

**MR. KNATCHBULL-HUGESSEN:** Sir, the Government of Newfoundland has given notice to the company now enjoying a monopoly in telegraphic communications with that colony, of its determination to terminate that monopoly. Their intention is to open the matter to that competition which they believe to be wise, just, and salutary. They will probably establish a tariff, though nothing has been settled as to uniformity. Correspondence has passed upon the matter, and there will be no objection to lay it before Parliament, but it is at present incomplete.

**EGYPT—SUEZ CANAL—INCREASE OF DUES.—QUESTION.**

**MR. NORWOOD** asked the Under Secretary of State for Foreign Affairs, If the attention of the Government has been drawn to the statements which have recently appeared in the public journals relative to the Report of the Committee which had been appointed at Constantinople to inquire into the subject of the Suez Canal Dues, and to the comments of the Council of Ministers there on that Report; and, if so, whether the Government are able to state to the House what is the conclusion arrived at by the Turkish authorities?

**VISCOUNT ENFIELD:** Sir, a telegraphic despatch has been received from Her Majesty's Ambassador at Constantinople reporting that the Porte has sent a Letter to the Khedive on the Suez Canal Dues, stating that, as of all the official systems in operation the Moorsom gives the utilizable capacity with the greatest accuracy, the Porte is of opinion that the net tonnage according to that system should be adhered to; if, however, the Powers or M. de Lesseps should wish not to continue to maintain this system, it will be necessary to call an International Commission to determine the utilizable capacity. The Letter concludes by saying that this being the result of the deliberation of the Council of Ministers, and the Sultan, to whom it has been submitted, having ordered effect to be given to it, the decision is

communicated to the Khedive, in order that His Highness may decide upon the measures which it may render necessary.

**TURKEY—COURTS OF JUSTICE.  
QUESTION.**

**SIR DOMINIC CORRIGAN** (for Sir JOHN GRAY) asked the Under Secretary of State for Foreign Affairs, Whether any advance has been made in securing that the evidence of Christians shall be admitted in courts of justice in Turkey on a footing equal to the testing given by Mahometans; and, whether certain inhabitants in that country at present suffer from disabilities in reference to military service and the devolution of landed property?

**VISCOUNT ENFIELD:** Sir, the latest reports from Her Majesty's Ambassador at Constantinople state that in all the Turkish Courts, excepting those administering the Koran Law, there has been an advance towards placing Christian evidence on a footing of equality with that of Mahometans. In all criminal cases, without exception, Christian evidence is admitted in the new Court. Christians are not taken for military service, and pay a tax instead; but this is now regarded by them more as an advantage than as a disqualification. With regard to landed property, Sir Henry Elliot says that the subjects of the Sultan, of whatever creed, as well as all foreigners, are stated to be upon the same footing.

**CRIMINAL LAW—CONVICT LABOUR  
AT DARTMOOR.—QUESTION.**

**SIR CHARLES W. DILKE** asked the First Lord of the Treasury, Under what authority large enclosures are being made at Dartmoor without compensation to the commoners; and, whether any payment is made by the Duchy of Cornwall to the Treasury on account of the labour of the convicts employed in the work?

**MR. BAXTER:** Sir, the authority for the leases granted by the Duchy of Cornwall at Dartmoor is the Act 26 & 27 Vict. c. 49, s. 22, Duchy of Cornwall Management Act, 1863. No payment is made to the Treasury on account of convict labour, because the convicts are only employed on lands leased to the Prison Directors,

MERCHANT SHIPPING ACT—UNSEAWORTHY SHIPS—THE “WILLIAM,” OF EXETER.—QUESTIONS.

**MR. GILPIN** asked the President of the Board of Trade, If his attention has been called to the case of the schooner “William,” of Exeter, which left Hartlepool on the 25th June, and foundered at sea on 1st July; whether he is aware that this ship was known to be so unseaworthy that she had baskets of sawdust drawn under her that the action of the sea might suck the sawdust into the seams, and thus temporarily stop the leaks; whether the Board of Trade inquiry was held on the loss of this ship at Exeter, where the owner lived, instead of at Hartlepool, where the aforesaid facts were known; and, whether, as the finding was that the vessel was not unseaworthy, although it foundered in perfectly fine calm weather, and, to use the language of a correspondent of “The Times,” she “took a header” and went to the bottom, he will cause the strictest inquiry to be made, and report to the House?

**MR. CHICHESTER FORTESCUE:** I have not heard, Sir, of the baskets of sawdust; there is no mention of that in the evidence. It is true the inquiry was held at Exeter. The question where inquiries of this kind should be held is left to the solicitor conducting them, who decides on the balance of convenience. The Report states that the vessel had been repaired three months previously; but nevertheless she was not in all respects, a seaworthy vessel. The hon. Member is wrong in stating that the vessel foundered in fine, calm weather. Having read the evidence, I find that she was exposed to a very strong gale of wind—one of the witnesses said it blew very hard. She was struck by a very heavy sea at 11 o’clock in the morning of Monday, the 30th June, when it became necessary to work the pumps, and she did not founder till 24 hours after. She went down head foremost three miles off the land, and the crew escaped in the boats.

**MR. GILPIN** asked the President of the Board of Trade, Whether the Royal Commissioners on Unseaworthy Ships have power under the Order of Reference to appoint assistant-Commissioners to prosecute inquiries during the Recess at the seaports; and, if they have not, whe-

ther it is the intention of the Government to supplement their existing powers to this end, so that there may be no delay in prosecuting the necessary inquiries?

**MR. CHICHESTER FORTESCUE:** Sir, the Royal Commissioners have full power to appoint assistant-Commissioners for the purpose stated. It will depend on the Commissioners themselves whether they exercise that power. I have reason to believe, however, that they think it desirable to see and hear all the witnesses themselves; and, in any case, the House may have full confidence in the way the Commissioners are carrying on their inquiry.

#### CIVIL SERVICE WRITERS.—QUESTION.

**MR. DILLWYN**, for Mr. OTWAY, asked Mr. Chancellor of the Exchequer, When and how he proposes to give effect to the promise he made on the 17th June last, that the Civil Service writers should receive special pay for special kinds of work, that certain holidays should be granted to all writers, that sick leave on medical certificate should be granted to writers without loss of pay, and that an allowance for travelling expenses should be made to writers when ordered away on duty by the Government?

**THE CHANCELLOR OF THE EXCHEQUER:** Sir, the mode in which effect should be given to this undertaking is now under the examination of the Treasury and the Civil Service Commissioners, and it will very shortly be made known. I am not in a position to say more at present.

#### METROPOLIS—THE AUTHORIZED BOOK OF CAB FARES—RAILWAY STATIONS.—QUESTION.

**MR. W. LOWTHER** asked the Secretary of State for the Home Department, Whether the statement is correct that Sir R. Carden said—

“As a matter worthy of attention of the Home Secretary, that from the authorized book of cab fares now in use among cabmen, and which was published in 1870, there were no less than sixteen railway stations in the Metropolis, many of them being principal stations, entirely omitted; and, whether this defect will soon be remedied?

**MR. BRUCE:** Sir, the last authorized book of fares was published in 1872. New measurements are now being made

by the Ordnance Survey Department. These measurements will be given from the 227 principal cab-stands to certain important points in the metropolis. Among the points to which measurements will be given, 35 railway stations are included, and among them all the terminal stations. The measurements to 89 cab-stands have been completed, and the whole will be completed and a new book issued as soon as it can be prepared.

**METROPOLIS—FIRES—WATER SUPPLY.  
QUESTION.**

MR. W. LOWTHER asked the President of the Local Government Board, Whether his attention has been drawn to a letter in "The Times" of the 19th instant, in which it is stated that owing to the want of supply of water a house was destroyed by fire in Weymouth Street between two and three in the morning?

MR. STANSFIELD, in reply, said, that his information was consistent with that contained in another letter on the subject which, perhaps, the hon. Gentleman had seen, in which it was stated that there had been no deficiency of water and no delay in its supply.

**CRIMINAL LAW—APPROPRIATION OF  
PENALTIES.—QUESTION.**

MR. W. H. SMITH asked the Secretary of State for the Home Department, If his attention has been drawn to a decision of the Magistrate of the Westminster Police Court directing that a penalty imposed under the provisions of "The Nuisances Removal Act, 1855," should be paid to the Receiver of Police for the Metropolis instead of to the Local Board of Works, the prosecuting authority, although the Nuisances Removal Act provides that all penalties under the Act should be paid over to the Vestry, District Board, or other local authority appointing an analyst; and, whether he will consider the expediency of providing that the penalties under this Act imposed in the metropolis shall be paid over to the local authority as in other parts of England?

MR. BRUCE: Sir, I have considered that decision, which appears to me to be in strict accordance with the existing law. There are, undoubtedly, strong reasons of public policy in favour of pay-

*Mr. Bruce*

ing over these penalties to the local authorities, and thereby encouraging active and vigorous enforcement of the laws entrusted to them. On the other hand, the circumstances of the metropolis afford much justification for an exceptional course. The Treasury bears in the metropolis charges which elsewhere are borne by the local funds, especially the cost of the police magistrates and the police courts, and they have therefore a special claim upon these penalties. The subject is not clear of doubt; but I am not prepared to say that a change ought to be made.

**IRELAND—REVISION OF LIST OF  
MAGISTRACY.—QUESTION.**

MR. CALLAN asked the Chief Secretary for Ireland, with reference to the answer of the Chief Secretary on the 18th March 1870, Whether the revision of the List of the Irish Magistracy, "with a view of clearing the List of the names of the persons who ought not to be there, or who had ceased to be able to act," which was then stated to be "yet going on," has been completed; and, if so, has an effect been given to the said revision in any one county in Ireland; and, if so, in what county or counties; and, if not completed, what progress, if any, has been made in such revision; whether any effect has been given to the opinion of the then Chief Secretary, "That the Government should use their influence" to have advantage taken of "all fair and proper opportunities to reduce the inequalities" then admitted to exist in the undue disproportion of Protestants to Catholics on the magisterial bench; and, whether the attention of the Irish Executive has been directed to the grave dissatisfaction existing in Ireland with regard to the present condition of the Irish Magistracy?

THE MARQUESS OF HARTINGTON, in reply, said, the revision of the list, promised in 1870, had been going on, and had been completed for 26 counties. The grounds upon which in many cases removals had been made were—insufficient qualification or non-residence, the holding of offices incompatible with the position of justice of the peace, employment in land agency, the temporary appointments of military and naval offices, and death or absence. From the remaining counties no information had been

received from the Lord Lieutenants, or the information was not sufficient to enable the Lord Chancellor to complete the revision. The work had been one of considerable labour, involving an enormous number of inquiries, and some of them of a delicate character. A considerable number of Roman Catholic gentlemen who appeared to be duly qualified had been placed upon the Bench; but, considering the distribution of land in Ireland between the two religious professions, it was not to be expected that anything like equality should be established. He was not at all aware that grave dissatisfaction existed with regard to the present condition of the Irish magistracy. He was perfectly aware that dissatisfaction existed on the part of many persons that they had not received commissions; but he was not aware there was any general dissatisfaction.

**PUBLIC WORKS LOANS—ENGLAND AND IRELAND.—QUESTION.**

**MR. DELAHUNTY** asked Mr. Chancellor of the Exchequer, Whether from the 19th of August 1871, to the 31st December 1872, the Public Works Loan Commissioners, with the sanction of Her Majesty's Treasury, have not granted loans, amounting to £869,833, to local authorities in England for sanitary purposes; whether further amounts have not since been granted for like purposes, and to what extent; whether, during the present month, the Treasury has not obtained power from Parliament to raise a further sum of one and a-half millions to enable the Loan Commissioners to grant additional loans at 3½ per cent. to local authorities in England for like purposes; whether from the 19th of August 1871, to the present time, the Treasury has sanctioned any loan to local authorities in Ireland for sanitary purposes, save the one to Waterford at 5 per cent.; and, if any, to state their amounts; whether the maximum period for repayment of such loans in Ireland is not fixed by Law at twenty-five years and in England at fifty years; and, whether, if the facts be so, the Treasury will still insist on exacting in the latter Country a higher rate of interest by 1 per cent. than the 4 per cent. the Law authorizes them to fix and charge?

**THE CHANCELLOR OF THE EXCHEQUER**, in reply, said, that from the 19th of August, 1871, to the 31st of December, 1872, the Public Works Loan Commissioners had granted £8,389, and not £869,833, and since then £262,579 had been granted. This month the Treasury had obtained power to raise £1,500,000, to enable the Loan Commissioners to grant additional loans at 3½ per cent. Since the 19th of August, 1871, the Treasury had sanctioned, besides a 5 per cent loan to Waterford, loans to Ireland, through the Public Works Loan Commissioners, of £12,100 for the Inniskillen Waterworks, £800 to the Mill Street Union, Cork, and £4,300 for Dublin; and, through the Irish Board of Works, of £4,000 to Inniskillen. The maximum periods for repayment were in Ireland 25 years, and in England 50 years. He had not the least objection to abolish the distinction of 1 per cent higher interest charged to Ireland; but he was bound by the general rules under which the respective loans were granted. The Waterford Loan was, he believed, from the Public Works Loan Commissioners in England.

**ARMY—GUNPOWDER—MR. DUFFEY'S INVENTION.—QUESTION.**

**MR. RAIKES** asked the Secretary of State for War, Whether Her Majesty's Government intend to make any use of the invention of Mr. James Duffey for the protection of gunpowder from explosion, which was tested at the Horse Guards in July 1869, in the presence of Sir Hope Grant, and on Wimbledon Common in 1870, in the presence of His Serene Highness the Duke of Teck and other officers; whether he is aware that the invention has been pronounced to be one of considerable value by them and other military and naval authorities; and, whether he is willing to assign any reward to Mr. Duffey for his discovery, which he patented in 1870, but for which he has not sought an extension of his patent in consequence of his belief that the favourable opinion expressed by the Quartermaster General would be acted upon by the Government?

**SIR HENRY STORKS**, in reply, said, the Government did not intend to make use of the invention, the advisers of the War Department having

expressed a decided opinion that it was unsuited for military purposes. No award could be assigned for inventions which were not adopted into the service.

**ARMY—SECOND BATTALIONS OF  
MILITIA REGIMENTS.**  
**QUESTION.**

MR. STANLEY asked the Secretary of State for War, When it is intended to raise the second battalions of Militia regiments referred to in the Army localisation scheme; whether care will be taken to appoint Commanding Officers and Adjutants to the new battalions in sufficient time for them to superintend the posting of the officers and men transferred to them; whether the Commanding Officers of the new battalions will have any voice in the selection of the officers and non-commissioned officers of their battalions; and, whether the officers and non-commissioned officers will be appointed at a time sufficiently before the annual training to enable them to become properly organized before their men are attached?

MR. CARDWELL: Sir, It is intended to raise second battalions in those counties in which the state of the recruiting appears to warrant it; and arrangements will be made for doing so in the course of the autumn. Care will be taken to make the appointments with due notice, and at such time and in such manner as may most conduce to efficiency in each case. The commanding officers of the old battalions will be communicated with in respect to the formation of the new, and, generally, the arrangements will be made as far as possible to meet the circumstances of each regiment.

**THE TREATY OF WASHINGTON—  
THE GENEVA ARBITRATION—PRE-  
SENTS TO ARBITRATORS.—QUESTION.**

MR. CAVENDISH BENTINCK asked the First Lord of the Treasury, Whether he will state to the House the precedents according to which Her Majesty's Government propose to offer presents of plate to three of the Arbitrators in the late Geneva Award, and which precedents were referred to by him in general terms on the 10th of March last.

MR. GLADSTONE, in reply, said, it had been the custom, from time to time, for a very long period, to give presents

to foreigners who had discharged special duties or performed special services for this country, as it had also been the custom with other nations to give presents to persons belonging to this country who had rendered special services to them. The precedents he would quote in the present instance were these. There was the precedent of Lord Castle-reagh, who received a valuable service of china from the King of France after the Congress of Vienna, in 1814. There were also the cases of Lord Sidmouth in 1815; Lord Bathurst in 1816; the Russian and Danish Ministers in 1822, from this country; the Bavarian and Spanish Ministers, from this country in 1823; the Danish Minister in 1834; the Brazilian Plenipotentiary in 1827; the Netherlands Ambassador to Constantinople in 1829. Particulars could be supplied if the hon. Gentleman desired them. Perhaps the precedent most relevant to this particular case was that of Sir Edward Thornton, our Minister at Washington, who received a present for his services as Arbitrator between the United States and Brazil, in the case of the vessel *Canada* in 1870. The hon. Gentleman would remember that in the present instance it was the United States Government which took the initiative.

**NAVY—SHIP-BUILDING—PLANS  
OF THE GOVERNMENT.—QUESTION.**

MR. HENRY LENNOX said, that as all the Navy Estimates in regard to ship-building had been already passed, he wished to ask the First Lord of the Admiralty, Whether he would redeem the pledge he gave some weeks ago by stating what type of Iron-clad it was intended to lay down this year? He would further appeal to the right hon. Gentleman to couple with that statement an assurance that he should have in a formal Return the specifications as to the dimensions of the ship and the weights she would carry.

MR. GOSCHEN: Sir, with regard to the latter portion of the noble Lord's Question, I am more or less in the hands of the House; but I venture to submit to the noble Lord that it is not desirable that at the earliest stage of constructing a ship, notice should be given to all the world as to her exact dimensions and specifications. I will, however, make a general statement to the House. Ships

are being designed and constructed for other navies to carry guns and armour exceeding in power and thickness anything which has been hitherto adopted, and it is necessary that this ship, which will take from three to four years to construct, should, when completed, be more than a match for any other ship in the world. The ship we propose to build at Portsmouth, to be named the *Inflexible*, carries out the views of the Committee on Designs for Ships of War. The system is an extension of that adopted in the *Warrior*, of having a central armoured citadel and under-water shot-proof decks. The requisite reserve of buoyancy in the event of the unprotected ends being penetrated to any extent is secured by the central-armoured citadel. The area of the armour is diminished and its thickness increased in a corresponding degree. It is not advisable to give the figured dimensions of this ship in all their details; but I can state that the armour is thicker than has been contemplated for any ship or fort; that the guns with which this vessel is to be armed will be the most powerful that can be designed and manufactured; and that low freeboard and no sails are not essential features of the design. The ship will have a freeboard of 20 feet forward, and be able to set trysails if required in heavy weather, or in the improbable event of her four sets of engines being disabled. The dimensions, except the beam, which is much greater, are the same as the *Fury*, with 3 feet less draught of water. The coal endurance is the same; and the ship, with a full speed of 14, will steam 3,000 knots, at 10 knots speed. The estimated cost is the same as the *Fury*. The Controller of the Navy, with the Director of Naval Ordnance, and the Chief Naval Architect, who has prepared the design, concur in recommending it to the Board of Admiralty, who, after very careful consideration, are unanimous in their approval.

POST OFFICE—REGISTRATION OF LETTERS CONTAINING POSTAGE STAMPS.  
QUESTION.

Mr. MACFIE asked the Postmaster General, with regard to a Post Office Notice just issued, Whether he really means after the 31st instant to require letters containing postage stamps to be

registered; and if any such letter is not registered, to subject the person to whom it is addressed, before delivery thereof, to a double registration fee of eight-pence; whether this new regulation, or extension of the existing regulation as to coin will be enforced, however small the number or value of the stamps enclosed may be; whether the readiness of the people of Scotland and Ireland to acquiesce in the withdrawal, intended to take place at the same time, of the facility they have long enjoyed and habitually used in the power of remitting small notes by post; if he will lay upon the Table any Report made to him showing necessity for this rigid and novel procedure; if he will lay upon the Table the Correspondence or Minutes alluded to in the following passage from page 7 of his Nineteenth Report to the Treasury, which has been issued this morning:—

"The evil to be remedied is still so great that, as you are aware, I have been obliged to ask for the authority adverted to, and, as you have been pleased to grant it, I have now to announce that, as soon as the necessary arrangements can be completed, the measure will be brought into operation;"

And what is the Act of Parliament on which he relies as his warrant and justification for the intended limitation of the individual convenience of the people?

MR. MONSELL: There is no intention, Sir, to require letters containing postage stamps to be registered, except in cases in which, from bad folding or packing, the contents are obvious. As the object of the regulation is to prevent temptation to theft arising from carelessness, now very common, it will, when applicable, be enforced without reference to the number or value of the stamps enclosed. The reasons for the regulation having been fully given in the Nineteenth Annual Report on the Post Office, just issued, it is not necessary to lay any other Papers on the Table of the House. The Act of Parliament in which power is given to the Postmaster General, with the consent of the Treasury, to lay down such a regulation as the one in question is 3 & 4 Vict., c. 96. I will undertake, however, that the regulation is not put in force until my hon. Friend the Member for Gloucester (Mr. Monk) has had an opportunity of submitting to the House his Motion on the subject.

MR. MACFIE asked, Whether he might hope that the discussion on the subject would be taken this Session?

MR. MONSELL said, that was a question which ought to be addressed to the hon. Member for Gloucester.

## NAVY—NAVAL RETIREMENT.

## QUESTION.

ADMIRAL ERSKINE asked the First Lord of the Admiralty, If there is any truth in a paragraph in the "Pall Mall Gazette," of Tuesday, the 22nd, to the effect that he has abandoned the intention of proposing a plan for a Naval retirement during this Session; and, if he will inform the House when it is proposed to take the remaining Vote on the Navy Estimates?

MR. GOSCHEN: Sir, there is no truth in the statement in *The Pall Mall Gazette*, if it is meant to convey the idea that I have abandoned those intentions which I expressed on the last occasion when the Navy Estimates were before the House. The plan then suggested, that, possibly, as a temporary measure, certain modifications of the retirement scheme of 1870 might be proposed, has not been abandoned; and I shall take the opportunity on moving the Half Pay Vote of stating my intentions on that point. I believe the Navy Estimates will be taken on Monday next.

## POST OFFICE—THE GLASGOW POST OFFICE.—QUESTION.

MR. ANDERSON asked the Postmaster General, If he is aware that there are still great complaints as to the inefficiency in the delivery department of the Glasgow Post Office; if it is with his sanction that boys of sixteen are employed in the service; and, if it be the fact, that the increase of staff stated by the new Postmaster to be necessary to make the service efficient, has been only partially conceded?

MR. MONSELL: So far, Sir, from its being known that great complaints are still made, a Report from the Postmaster of Glasgow was received only yesterday, stating that the new arrangements are working well and giving full satisfaction to the public. Youths of 16 years of age are employed in the Post Office Service, as they have been for 50 years past, if not longer. [Mr. ANDER-

SON: In the delivery of letters?] I am unable to state. The staff of the Glasgow Post Office has been increased to the full extent asked for.

## EDUCATION DEPARTMENT—REVISED CODE, 1873, ARTICLE 59—TEACHERS FOR ELEMENTARY SCHOOLS.

## QUESTION.

SIR JOHN KENNAWAY asked the Vice President of the Council, If, looking at the difficulty of obtaining teachers for Elementary Schools and the great educational changes going on, he will hold out the hope that the provisions of Article 59 of the Code of 1873, whereby certificates of the third class are granted upon the Report of the Inspector to acting teachers reported to be efficient, will be allowed to remain in force for a further period; and, whether the examination of twenty children with fifteen passes would not be, as in the case of Scotland, a sufficient requirement?

MR. W. E. FORSTER, in reply, said, it was too late to make any alteration this year; but he would promise that the subject should receive the attention of the Government.

## POST OFFICE—DUBLIN POST OFFICE—SORTERS AND LETTER CARRIERS.

## QUESTION.

MR. PIM asked the Postmaster General, Whether it is true that the Sorters and Letter Carriers of Dublin held a meeting on Monday evening in the large Sorting Room of the General Post Office, at which meeting a Memorial to the Postmaster General was adopted, asking for an increase of pay; whether he has received this Memorial; and, if so, whether he can state to the House what course the Government intend to take in the matter; whether other Memorials on this subject have not been addressed to the Postmaster General on several previous occasions lately, of which no effective notice has been taken; and, whether it is a fact that important reforms in the Post Office arrangements were recommended more than twelve months since by the local authorities in Dublin and approved by the Postmaster General; and, if so, whether he can state to the House why these reforms have not been carried out?

**MR. MONSELL:** Sir, It is the case that the sorters and letter carriers of Dublin held a meeting on Monday in the sorting office of the General Post Office, and that a Memorial was then adopted, praying for an increase of wages ; but, inasmuch as that Memorial reached my hands only this morning, I am not prepared to state what course will be taken in the matter. Other Memorials having the same object in view had already been received by the Postmaster General. It is not the fact that important reforms in the Post Office arrangements were recommended more than 12 months ago by the local authorities in Dublin and approved by the Postmaster General. The reforms, to which no doubt allusion is made, were recommended by an officer in London who was despatched by myself to Dublin. Of that officer's recommendations one involved an increase in the wages of the letter carriers. This increase was sanctioned in November last, and I can hold out no hope that in their case any further change will be made. The pay they now receive is identical with that of letter carriers in the large manufacturing towns in England, where the rates of wages are certainly not less than they are in Dublin. Others of the recommendations arising out of the mission to Dublin are still under the consideration of the Treasury.

**PARLIAMENT—ORDER OF PUBLIC BUSINESS.—QUESTION.**

**MR. ASSHETON CROSS** asked the First Lord of the Treasury, Whether, considering that the Post Office and Telegraph Vote was put off until full inquiry could be made as to the appropriation of balances for the purposes of the Telegraph Service, he will not now allow the discussion on that point to take place before the Vote itself is taken ?

**MR. GLADSTONE :** Sir, the practical objection to the proposal of the hon. Gentleman is that any postponement of the Vote beyond Monday would involve the postponement of the Prorogation of the Session. The state of the case is this—It is scarcely true that the Telegraph Vote was put off until the conclusion of the inquiry ; but it was put off in order that Members might be sure that they would have an opportunity of discussing the subject. There is nothing

in the Vote which has any connection with the inquiry. It is a Vote for the Telegraph Service of the year, and it has no connection with the question of capital account. What the hon. Gentleman means, I apprehend, is that he should have a good and convenient opportunity of discussing the subject. We must go on this evening and to-morrow with strictly legislative business ; but I will keep Tuesday morning, at 2 o'clock, free for the purpose of offering it to the hon. Gentleman, if he thinks proper to avail himself of it. Assuming that Supply will be got through on Monday night, I shall propose to the hon. Member for Sheffield (Mr. Mundella), that on Tuesday evening, at 9 we should take the discussion of his Factories Bill. We will use every effort to have a House, and the subject is one to ensure a House, independently of any endeavour on our part. On Wednesday we propose to take the discussion on the Indian Budget.

**MR. BERESFORD HOPE** wished to know when the Real Estate Intestacy Bill would be taken ?

**MR. GLADSTONE :** Not on any one of the days I have named.

**SIR JOHN HAY** asked when the discussion to be raised by his right hon. Friend (Sir Charles Adderley) upon the subject of the West Coast of Africa would be taken ?

**MR. GLADSTONE** said, he was afraid it must be taken on some day later than those he had just named.

**SCIENCE AND ART—THE BRITISH MUSEUM AND SOUTH KENSINGTON.  
QUESTION.**

**MR. MUNDELLA** asked the First Lord of the Treasury, If there is any truth in the Report that the South Kensington Museum and other allied institutions are about to be transferred to the management of the Trustees of the British Museum ?

**MR. GLADSTONE**, in reply, said, that the question of the present arrangements of the South Kensington Museum was under the consideration of the Government. They connected themselves to a certain extent with the British Museum on account of the necessity for modifying the arrangements of the British Museum, consequent upon the transfer of the Natural History Collection to South Kensington. Beyond that

he could not at present go, except to say that the matter was still under process of inquiry.

**NAVY—SALE OF GREENWICH HOSPITAL ESTATES.—QUESTION.**

**MR. FAWCETT** asked the First Lord of the Admiralty, How much land belonging to Greenwich Hospital has already been sold; what is the quantity of land now advertised for sale; and what is the quantity still remaining unsold; what security there is that the money obtained by these sales will be retained as capital and not devoted to income; and, whether he will undertake that no more of the land belonging to Greenwich Hospital shall be sold until the House has had an opportunity of expressing its opinion as to the policy of selling land which is held in trust for public uses? He wished to add the further question, Whether it is true that nearly 6,000 acres were going to be sold, and in eleven lots?

**MR. GOSCHEN**, in reply, said, that two estates containing 1,940 acres, and realizing upwards of £200,000, were sold by public auction in August, 1872—one estate realizing £92,164, and the other £116,000. With regard to the quantity of land now advertised for sale—the Tyneside estate in Northumberland, containing about 5,768 acres, was advertised for sale by public auction at Newcastle-on-Tyne on the 5th of August next. The Admiralty had also under consideration the sale of the remainder of the Langley Barony, &c., estate, containing 8,581 acres; but it was uncertain whether that would be sold before the spring. As to the quantity still remaining unsold, there were 27,865 acres in Northumberland and Cumberland, besides ground-rents and house property in Greenwich and the Isle of Dogs, producing a gross rental of £4,400 a-year. With respect to the security that the money would be retained as capital and not devoted to income, the 31st clause of the Greenwich Hospital Act, 1865, provided that the purchase-money paid in respect of lands sold should be carried to the Greenwich Hospital capital account. There was the further security of the detailed audit, by the Exchequer and Audit Department, of the capital and income accounts of Greenwich Hospital, in order to see that the provisions

of the Greenwich Hospital Acts were duly complied with. Lastly, there was the additional security of the presentation of these accounts to Parliament annually, and their review by the Public Accounts Committee. He would undertake that there should be no more sales until spring; but, without knowing what course his hon. Friend might take, he would not pledge himself not to proceed to exercise the powers entrusted to him by Parliament. It was good policy on the part of the House to direct the sales of this land, because the Admiralty had plenty of public business to attend to, without having the management of large estates superadded to their other duties.

**MR. FAWCETT** said, it would be his duty to move a Resolution expressing the opinion of the House on these sales, and if it decided that they should go on, he should endeavour to obtain an opinion on the part of the House that the land should be sold in small lots.

**MR. GOSCHEN** said, he accidentally omitted a part of his answer to the hon. Gentleman. He could not tell the precise number of lots in which the lands would be sold by auction. When he said that no more sales would take place before the spring, he did not mean that the lands advertised for sale would be withdrawn.

**IRELAND—PEACE PRESERVATION (IRELAND) ACT.—QUESTION.**

**MR. CALLAN** asked the Chief Secretary for Ireland, Whether, considering the eminently satisfactory condition of the borough of Dundalk and the county of Louth, as evidenced by the calendar of prisoners, and the charges of every going judge of assize during the years 1869, 1870, 1871, and 1872, and the present year, both as regards offences against the person and against property, and the statements of—1. Mr. Justice Lawson, at Spring Assize 1871—

"That both the county of Louth and the borough of Dundalk, he might with truth say challenged comparison for peace and order with any portion of Her Majesty's dominions;"

2. Mr. Baron Hughes, Spring Assize 1872, speaking of calendar and report of county inspector of constabulary laid before him—

"They are the most favourable I have ever read since I occupied a seat on the bench, and are highly creditable to every class in your county, but above all to the people in general;"

and, 3. Mr. Justice Lawson, at the Assizes held on the 8th instant—

"That the calendar, a perfect blank, and the constabulary returns laid before him, show a gratifying state of things, and places Louth in the first rank of a model county,"

he is prepared to remove the Proclamation of that borough and county under the Peace Preservation Acts?

THE MARQUESS OF HARTINGTON, in reply, said, he was happy to state that not only the borough of Dundalk, but that other counties besides the county of Louth, were in an eminently satisfactory condition, and the Government would take into consideration, at the earliest possible moment, the propriety of removing the Proclamation referred to under the Peace Preservation Acts. The decision of the Government, however, could only be arrived at in view of the condition of the surrounding district. The county of Louth, for example, bordered on the county of Meath, which was not in so satisfactory a state, and it would be undesirable to place in the hands of persons arms which would be accessible to the members of the Ribbon Societies of the county of Meath. Dundalk was a considerable port, and after what had occurred not long since in Cork, it was not desirable to give unlimited facilities for the importation of arms into Ireland. While he could not, however, promise the hon. Member that the restriction should be removed, he could assure him that the subject should receive the earliest consideration of the Government.

**CRIMINAL PROCEEDINGS (SCOTLAND)  
—PRIVATE PROSECUTORS.**

QUESTION.

MR. CAMERON asked the Secretary of State for the Home Department, Whether his attention has been called to a Petition presented to this House, signed by Angus Mackintosh, and to two Petitions from the Commissioners of Supply and Town Council of Inverness, praying that a Committee may be appointed to inquire into the state of the Law with respect to the right of private persons to institute criminal proceedings in Scotland; and, whether, on the part of the Government, he will assent to the appointment of such a Committee next Session?

MR. BRUCE, in reply, said, that he had received Petitions and Memorials on the subject; but inasmuch as the

law complained of had been in force in Scotland for the last 120 years, and had generally given satisfaction, it was not his intention to take any steps to alter the law.

**BALLOT ACT—BOARDS OF GUARDIANS  
—VOTING PAPERS.—QUESTION.**

MR. BOURKE asked the Secretary to the Local Government Board, If the Local Government Board has received any returns as to the number of votes lost at the election of guardians through informality in filling up voting papers; and, if so, if the very great per-cent-age of such votes lost through the use of the voting paper is such as to render it desirable to take into consideration proposals for altering the present mode of election, and if any proposals have been made from any Union for such alteration?

MR. HIBBERT, in reply, said, that no Returns had been made upon the subject, but he was aware that owing to informalities, a considerable number of votes had been lost. Proposals with reference to this subject had been made by several Boards of Guardians, and were now under consideration, and several of those proposals were to the effect that the voting should be by ballot.

**CRIMINAL LAW — PUBLIC PROSECUTORS.—QUESTION.**

MR. MAGNIAC asked the Secretary of State for the Home Department, Whether he can state what measures have been or are being taken in view of the withdrawal of the Public Prosecutors Bill to fulfil the pledge given by the Government in 1872 to provide a remedy for the grievances admitted to exist in connection with the disallowances of expenses of Criminal Prosecutions?

MR. BRUCE, in reply, said, that, as the hon. Member was aware, the Public Prosecutors Bill would, if it had been passed, have settled this question satisfactorily. Meanwhile, it was impossible that the Treasury supervision over expenses should be discontinued. He had, however, taken care that it should be exercised with due consideration for all parties concerned, and since that time he believed no complaint had been made of anything like unfair or improper treatment.

by the foundation of school boards for the very purpose from which that property, being their own, has been alienated by Parliament. I hope I have put the case fairly and plainly; and I do assure the House that this process is producing a bitterness of feeling of which we may hereafter have disagreeable evidence. Take the case of the parish of Bedworth and the schools there, of which I have been for many years a Governor. This is a charity at Bedworth, near Nuneaton, and was founded by a former clergyman of the parish for the benefit of the labouring classes. I, and my former Colleague, Mr. Dugdale, were two of the Commissioners. Minerals were discovered under that property, and we obtained the leave of the Charity Commissioners to provide for the further development of that property. It was let upon lease; the lessee failed, and for a certain period the Charity Commissioners allowed us to work those minerals until we could let them. That was a mark of confidence on the part of the Charity Commissioners which I hope has been repaid. So, literally, the Governors have created the increase of that property from a source which has given employment to these people upon their own property, and now, when 800 of their children are receiving education in schools which are admitted to be the best in the district, I am likely to have to tell these people that "Parliament has decided that the £800 a-year of your property, property which has been devoted to the education of your fathers, yourselves, and your children, shall be taken away—and why? Because you have been so educated out of your own property!" Well, they will look across the canal which separates this property from mine, and in their homely phrase will say—"They are going to take away our pits; why don't they take Newdegate's?" What answer am I to give? Who would expect me as an honest man in this House not to oppose what I consider a downright robbery? Because, if you object to the form of education, Parliament, in its discretion, might alter that education. I might lament the change, for it is the best education that the Governors can devise and provide; but I should not feel, as I do now, that Parliament was about to take away from this people the property which had been applied beneficially to them and their

fathers for generations. Sir, I am directly and distinctly opposed to this principle of confiscation; and we feel it none the less acutely, because this principle is specially applied to property which is devoted to education in the tenets of the Church, of which I and the great majority of these people are members. Hon. Gentlemen opposite, in their sectarian heat, can scarcely have considered the feeling that they must be arousing in the hearts of those possessors of property, who are as sincerely attached to the religion they profess as hon. Members may be to the religious views they entertain. Look at the matter from another point. If there is one denomination of religion in this country more defiant than others in raising their institutions, it is the Roman Catholic denomination. Not less than 300 of these monastic and conventional institutions have of late years been erected in England and Wales, the most of them being for educational purposes; but Parliament which has dealt thus with the property of the educational establishments belonging to the Established Church, has never yet completed even an inquiry into the existence of this other property which is held against the law, is administered in defiance of the law, and yet remains secured from the rough process which is applied to the educational property of the Church of England. I ask hon. Members, then, who are in the habit of talking so much about equality, where is the equality between the treatment that you have extended to the Church of England educational charities, and your abstinence even from inquiry into those increasing establishments of the Church of Rome? I cannot think that hon. Members who represent various Protestant sects can have looked at the subject as it stands; but I feel it to be my duty to bring it distinctly before the House, because I am convinced that Parliament is dealing with this matter in a sense which the people feel to be directly undermining their independence; for, disguise it as you may, this determination that there shall be no educational property, except that administered to the operative classes either out of the poor rate, or an education rate, which is equivalent to a poor rate, levied under an administration similar to that which levies the poor rate, is inflicting upon them a sense of

deep degradation, a feeling that when you take away the property which is their own for the same purpose, and saddle them with this great sustained system of rating, you are treating them as if they were indeed a class apart, unfit to possess or to enjoy property, unfit to have it administered to their immediate wants, especially their educational wants, the urgency of which you are perpetually pressing upon the attention of Parliament. Let not hon. Members mistake the feeling which is thus engendered. It is very well for you to tell us that because the rate is to be administered by elective boards, therefore it is more these people's own than the property which they now enjoy. The people feel nothing of the kind. You may suppose that country gentlemen like myself have no sense of responsibility. You may suppose that I could have used this trust property as I liked, and yet go scatheless among my neighbours. You know little of the English people if you believe anything of the kind. I thank God that the people of my district have always been of a very independent mind, and if they suspected me of anything like abuse or foul play, they would let me know it before a week was over, and that in no very doubtful terms. I know that well. With people of that temper, if you think that your present process is pleasing, you are very greatly mistaken; and I tell you that when it is understood it is most distasteful to them. Hon. Members may be pleased to treat this as a question that is closed, whereas it is a question that has only lately opened itself to the understanding of the people, and the right hon. Gentleman the Vice President of the Education Department of the Privy Council admitted the other night whilst apologizing to some of his Friends, that the puny concessions which this Bill contains had been wrung from him by the pressure from without, and by the apprehension that the House of Lords might respect those feelings of opposition. Well, Sir, I believe that whatever the hidden jealousy or sectarian feeling hon. Members may represent, as opposed to those charities because they are connected with the Church of England, still there lies at the bottom of their opposition a recognition of the fact that the process which you are applying is calculated to undermine the independence of

the labouring classes; an independence which I have always respected; an independence which I believe to be at the foundation of our national greatness; an independence which I have never done anything to violate; an independence which I hope that the House will ever respect. I have given Notice of my intention to move that this Bill be committed on this day three months, because I believe that this Commission ought to be brought to a close. Had it been a Commission of Inquiry, had it been a Commission for the correction of abuses, had it been a Commission for obtaining the restoration of property that had been misapplied, I should have hailed it; but I have it stated in the correspondence of these Commissioners that no matter what may be the merits of a school, or however thoroughly good may be its administration, the one fact that any such school is sustained out of property which belongs to the inhabitants of a parish, at once condemns the property so applied to confiscation, *ipso facto*, from no imputation upon its management; but simply because this House will not permit property for elementary education to be held for the people of this country in the form of a trust, the trustees being bound to give effect to the intentions of the founder. Now, Sir, that decision applies not only to the Church of England, but to every denomination that may hold property of the kind; and I say this—I myself may have thought of devoting property for the purpose of continuing elementary education to an increased and increasing population already in the enjoyment of some of this trust property. But I will do nothing of the sort, if Parliament is to pass an Act, that, first confiscates the larger charities applied to those purposes, and vests them in these Endowed Schools Commissioners to be alienated from their original objects, and then, as a concession in this Bill, merely changes the appropriation of the smaller charities, confiscating them from the possession of the locality and investing them in the Committee of Privy Council. Sir, such petty concessions as this are no concessions of principle, as the right hon. Gentleman informed the House the other night, but constitute a perpetuation of the same principle to which I am diametrically opposed. I wish the speech of the right hon. Gentleman had reached the public. I am sorry to say, that, perhaps

owing to the lateness of the hour at which it was delivered, the reports of it were very much curtailed; but such was the zeal displayed by the right hon. Gentleman that I made a note of one passage. He said—

"My hon. Friends must be aware that in several instances the House of Lords has rejected schemes which have been proposed by the Commissioners. I very much regret that the House of Lords has possessed that power."

It seems, then, that the right hon. Gentleman is so ardent in the cause, that he would even disfranchise the other branch of the Legislature in order to further his object. That is Sir, an excess of zeal which must be dangerous in its consequences. I object, then, to the continuance of this machinery for the carrying out of that which in my neighbourhood will be a process of confiscation. I object to it the more, because it is a confiscation of the property of the labouring and the poor classes; and it is for these reasons that I have given the Notice which I now beg to place in your hands, that the House do resolve itself into Committee on this Bill on this day three months.

MR. WHEELHOUSE seconded the views of the hon. Member for North Warwickshire, and he did so all the more readily because he was very anxious to leave on record the grounds of his support. He did not think it was just that Parliament should, under any circumstances, ignore the right of inheritance which existed in the children of the poor, especially as every proposal of the Commissioners seemed to be—indeed, was almost openly avowed to be—to take from that class, and to provide for the children of another, which ought to be able to provide for the education of its own children. As soon as that Commission came into operation, they had this state of things—that the Commissioners proceeded to deal with some of the charitable foundations of the country which ought not to have been touched at all, or, at least, not until after all the misused endowments had been thoroughly dealt with. He asked the House to consider whether it had not evidence before it, that the very first schools that were attacked were those which were well conducted and the least requiring alteration. He was one of those who did not believe in competitive examination to

the extent to which it was at present carried, because he knew that practically it meant cramming; and he especially disliked competitive examination when it actually dealt with the children of the indigent poor whose early lives were commonly passed in great straits, and who, therefore, had not the pecuniary means to place their children on the same footing as those of comparatively richer people. Under such circumstances there could be no "fair start," inasmuch as the poor man's child must necessarily be overweighted in such competition. He, therefore, cordially seconded the proposition of his hon. Friend, because he wished it distinctly to go forth throughout the length and breadth of the country that, without using the word "confiscation," the alienation now going on was as near confiscation, so far as the heritage of the poor was concerned, as was possible. The time, however, was fast coming when that class of the people would thoroughly understand to whom they were indebted for that state of matters, and, no doubt, it would be precisely and correctly appreciated. For his own part he believed that no man, or no body of men, call them by what name soever they pleased had the right, even under the sanction of an Act of Parliament, to alter the devolution prescribed by the will of a Founder, without the most urgent necessity.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," — (Mr. Newdegate,) — instead thereof.

MR. HINDE PALMER thought it would be a very serious misfortune and great calamity to the public, if the Bill now before the House did not pass, and the Commission were consequently allowed to expire. In a great number of instances in which the Commissioners had dealt with these endowments, they had conferred a large benefit on the communities of different localities. One great advantage had been that the Commissioners had saved an enormous amount of litigation in the course of their proceedings, because they had settled schemes of endowments for a large number of charities which otherwise could not have been

settled without the institution of separate Chancery suits for each individual charity. When the endowments were made there were comparatively very few elementary public schools; but now the national education establishment existed, or would exist everywhere. Why, then, should not some of these endowments be applied towards the provision of a higher grade of education than that given by the mere elementary schools? One of the great wants of the day was, that they should give a better sort of technical education to the children, and this was one of the points recommended in the Report of the Commissioners, which he hoped to see accomplished.

**MR. GATHORNE HARDY** said, he was not without considerable sympathy with his hon. Friend the Member for North Warwickshire, in regard to several points in his speech; but as the House had arrived at the point of going into Committee on the Bill, he confessed that he would rather prefer seeing what could be done with it in Committee than give any opinion of the measure in its present shape. He therefore hoped the hon. Member would not press his Motion.

**MR. W. E. FORSTER** agreed with the right hon. Gentleman in the undesirability of a discussion at this stage. He strenuously denied that confiscation was contemplated, or had been committed, under the original Act, and with regard to the case referred to by the hon. Member for North Warwickshire, it had not yet come before the Commissioners. The duty of the Commissioners—which he believed they had tried to fulfil, and which the Government took care that they did fulfil—was not to confiscate the property of the poor, but to see that the property was applied in a manner that would best help the poor. Considering the provision which was made by law for elementary education, it was desirable, in dealing with great endowments, to see whether we could not do something more with them than teach merely reading, writing, and arithmetic. What he said the other night was, that this House was bound to consider facts as they were, and that it was in the power of either House to carry out its own peculiar views in any particular matter on the consideration of a scheme. The hon. Member for North Warwickshire might take some comfort from that fact, seeing that he had so

much confidence in the other House. This “confiscating” Commission had been at work for some years, all its schemes, with the exception of some half-dozen, had become law, notwithstanding the check upon them possessed by both Houses; and the unsuccessful schemes had not been rejected on the grounds taken by the hon. Member.

**MR. DILLWYN** admitted that he had been fairly beaten the other evening, and, accepting the decision of the House, wished to get into Committee, where he would again endeavour to give effect to his views. His objections were exactly the reverse of those of the hon. Member for North Warwickshire; he complained of the Bill clipping the wings of the Commissioners and curtailing their power.

**MR. HEYGATE** could not admit that schemes met with approval in the country, because the rejection of them was not moved in either House. He knew of several instances in which great discontent had been evinced at the schemes of the Commissioners.

**MR. NEWDEGATE** explained that he had mentioned the case he had adduced as an illustration and type of those dealt with in schemes, and that the principle to which he had objected, the alienation of endowments from the labouring classes, was embodied in letters he had received from the Commission as Chairman of two Trusts. He wished to take the sense of the House on that principle.

Question, “That the words proposed to be left out stand part of the Question,” put, and *agreed to*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

Bill considered in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to*.

Clause 3 (Exception of elementary schools from 32 & 33 Vict. c. 56, and application thereto of 33 & 34 Vict. c. 75, s. 75).

**MR. HEYGATE** moved, as an Amendment, in page 1, line 13, to leave out “not being,” to “is” in line 16, on the ground that the clause was drawn with certain limitations as to grammar schools and the amount of endowments.

Under the limitation in the clause all grammar schools having endowments of less than £100 a-year would be liable to be deprived of such endowments. The object of his Amendment was to fulfil the promise which his right hon. Friend had made over and over again—that the voluntary schools should not be injured by the Bill of 1870.

MR. W. E. FORSTER said, it was impossible for him to give his hon. Friend an assurance in the matter. His hon. Friend proposed to withdraw all grammar schools under £100 a-year from the purview of the Bill; but he trusted the Committee would not accede to such a proposal, on the ground that there were a large number of small grammar schools which had degenerated into miserable elementary schools, not only not doing good, but harm, by preventing other and better schools being established, and leading the people in the district to believe that no other school was required. He had little doubt that the Commissioners would find a great deal to do with respect to the more important schools first; but he could not consent to omit 416 grammar schools, or nearly one-half from the Bill. For himself, he should have liked to see the clause not go beyond £50; but, nevertheless, there was an advantage in framing the Bill on the recommendation contained in the Report of the Commissioners.

MR. COLLINS hoped the Amendment would not be pressed.

Amendment, by leave, withdrawn.

MR. GATHORNE HARDY said, he wished to propose an Amendment in another direction. There were a great many elementary schools throughout the country, and he could not see why the amount should be limited to £100. The right plan would be to remove all these elementary schools from the operation of the Commissioners till they had concluded their work in regard to grammar schools. It did not at all follow, that because these schools were removed from the jurisdiction of the Commissioners, therefore they would be removed from all improvement. For example, they might be subjected to regular Government inspection, and have the power of charging fees. The Commissioners had stated that the reason why they might fairly divert funds given for elementary education to the purposes of

higher education was, that the country had now made provision for elementary education. He maintained, however, that the country had not done so; because where voluntary schools existed it was not necessary to raise rates. He could not see why, when they had to deal with elementary schools provided for out of endowments, they should not be put upon as good a footing as others, nor why they should insist on putting them in the hands of a Commission that did not want them. He would move as an Amendment in page 1, line 18, to leave out from "1870," to "in," in line 21.

Amendment proposed, in page 1, line 18, to leave out from the words "one thousand eight hundred and seventy," to the word "in," in line 21.—(Mr. Gathorne Hardy.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

DR. LYON PLAYFAIR said, the Amendment would produce large results certainly not contemplated by the Select Committee. The clause, as it stood, would affect about 1,200 schools under £100 per annum. Certainly a larger endowment than that could scarcely be applied with advantage to this elementary education in a national school. [MR. GATHORNE HARDY pointed out that under the 3rd section all elementary schools would be liable to inspection.] But the proposal of the right hon. Gentleman would include 400 or 500 additional schools, some with incomes varying from £4,000 to £8,000. In Bristol alone there were three of these large foundations now devoted to mere elementary education. There were two leading objections to the proposal. Firstly, the Education Department had not a staff for investigating the working of such schools, and for making new schemes for them, while the Endowed Schools Commission had been organized for the very purpose. Secondly, it would be unfair to the schools themselves; for if they were handed over to the Education Department they came under the Act of 1870, which gave powers to that Department to ratify new schemes under its own authority, and to amend them at its own discretion. So that the schools would lose all those safeguards which were provided by the Endowed Schools Act. They would thus lose their power of three appeals—from the Commission to

*Mr. Heygate*

the Education Department, from that to the Privy Council, and from that to the supreme authority of Parliament. The right hon. Gentleman could scarcely have contemplated that that would be the result of his Amendment. It was true that, under the Act of 1870, the initiative for reform must come from the schools; but to preserve that motive for sluggishness could not be the object of the Amendment.

MR. W. E. FORSTER said, that the exemption applied to endowed schools that were really elementary schools, and when they were put up to £100 a-year they had to deal with a very different range of schools, some of them with endowments of many thousands a-year. That was the very class of schools that required reform, and he therefore hoped the Amendment would not be agreed to. The Commissioners were bound to take care of the interests of the poor, and they would do so. What the right hon. Gentleman proposed to do by his Amendment was to leave the trustees of these large endowments unreformed, and the effect would be to strike out many schools that really required reform. The Education Department were not provided with the organization and the Staff necessary to send down Inspectors and arrange schemes for these large schools. If such schools as the Colston Schools at Bristol, which ought to be under the supervision of the Commissioners, were to be inspected in the higher branches, they would require a large increase of Inspectors. The duty of the Education Department was to look after elementary education, for the promotion of which large sums were voted to Parliament. Under the operation of that Amendment Emanuel Hospital would have been exempt, and it would exclude from the possibility of reform large institutions which required improvement as much as any endowments that came under the purview of the Commissioners.

MR. GATHORNE HARDY, in reply, said, that his remarks would not apply to the Colston Schools, nor to the Emanuel Hospital, which were really charity schools, and did not come under the description of elementary schools.

Question put.

The Committee divided:—Ayes 129; Noes 88: Majority 41.

Clause agreed to.

Clause 4 (Amendment of 32 & 33 Vict. c. 56, s. 11).

MR. W. M. TORRENS said, this was the opportunity for providing against the assumption on the part of the Commissioners of powers which he felt certain the House never intended them to exercise, and which, if employed, would be attended by very mischievous results. He would therefore move, in page 2, line 20, to leave out all after, "scheme" and insert—

"To make provision, as near as may be, for the educational interests of the class denoted in the gift or bequest of the donor as that for which his endowment was intended, and no proposal shall be inserted in any scheme alienating any portion of such bequest or gift for the benefit of persons in any other class in life or of persons in the same class resident in any other county or town than that named or otherwise indicated by the donor."

No one could doubt, looking at the evidence taken before the Select Committee, that the Commissioners had assumed to themselves a discretion with regard to the transfer of endowments from place to place and from class to class, which Parliament never intended to confer upon them. When introducing the Act of 1869, the right hon. Gentleman the Vice President of the Committee of Council expressed his hope that no attempt would ever be made to apply the school endowments of the country to the purposes of elementary education. He could state from his own knowledge, cases in which, in the opinion of the communities concerned, the most grievous injustice was impending by the exercise of this assumed power on the part of the Commissioners. He had that morning received an answer to a letter he had addressed to a friend, requesting information as to the feeling in South Devon with respect to the manner in which this power had been exercised. In reply his informant stated that with regard to the correction of abuses, he and his friends were perfectly satisfied; but that the Commissioners had exercised an arbitrary discretion concerning many endowments which were regarded with much discontent—that they had taken away the means of education from the humbler and poorer middle class in order to create elementary schools which might be otherwise provided, and had thereby done a greater wrong to the real poor than if they had left the endowments as they were. Now, the real poor were

not the members of trades unions, earning 40s. and 50s. a-week, and who could raise for them the price of fuel at their will and pleasure. The real poor were the half-pay officer, the curate, the clerk, the surgeon, and the man of small means of various degrees, whose children it was of the utmost importance to have properly educated, and for whose benefit these endowments were originally given. It was now for the Committee to decide whether, in passing the Endowed Schools Act, Parliament meant to constitute a triumvirate over the endowed property of this country, to do with it what no Department of the State would venture to do—namely, to change altogether the purposes for which it was bequeathed. As a member of the legal profession, he ventured to say that the assumption by the Commissioners of the right to overturn the old doctrine of *cy pres*, was never intended by Parliament. The doctrine of *cy pres* rendered into vulgar English was this—when a donor had given of his wealth for purposes of education or charity, and it became difficult in after times to find exactly the object designed by the deed of gift, you were to go as near to it as might be. That was common sense and common honesty, and the Courts of Equity had always upheld it. And was Parliament now, with Communism looking in at the door, to overrule that principle? And, besides, the purpose of the gift, he maintained that place was one of the elements to be considered. The Commissioners had usurped functions which Parliament had never given them. When examined as a witness recently before the Select Committee, Lord Lyttelton had avowed the doctrine that after 50 years property belonged to the State. He asked where were they to stop? Would any gentleman feel his property as secure as before if Parliament gave its sanction to such a doctrine? The right hon. Gentleman had laid on the Table a coil of schemes which he had approved, but which, from pressure of business, the House had not had time to examine. The day was, perhaps, not far distant when Members would bitterly regret that the Anaconda folds of that serpent had not been cut. He submitted that the whole course of their legislation and law was opposed to the discretion vested in the Commissioners, and on which this clause placed no efficient check, and for the purpose of enabling the House to decide whether

this check was required or not, he now moved the Amendment of which he had given Notice.

*Amendment proposed,*

In page 2, line 20, to leave out from the word "scheme," to the end of the Clause, in order to insert the words "to make provision, as near as may be, for the educational interests of the class denoted in the gift or bequest of the donor as that for which his endowment was intended, and no proposal shall be inserted in any scheme alienating any portion of such bequest or gift for the benefit of persons in any other class in life or of persons in the same class resident in any other county or town than that named or otherwise indicated by the donor." — (*Mr. Torrens.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. E. FORSTER trusted the Committee would abide by the words of the clause which were those agreed upon by the Committee upstairs. The alteration had been determined upon after much consideration, and for the purpose of giving effect to the view arrived at by the Committee after taking a great deal of evidence. His hon. Friend had said that this clause would give to that "Triumvirate" powers which had been given to no Department of the State. It did no such thing. The power given by the original Act was vested in the Government, and the Commissioners were only the machinery made use of in framing the schemes. But the Government had found that there was a disadvantage in their not having the power to amend a scheme, being limited to approval or disapproval, and that power was taken in this Bill. But, undoubtedly, the Bill left the Government absolutely responsible for these schemes, and it was an entire delusion to say that the matter was left to an irresponsible triumvirate. The illustrations given by his hon. Friend referred to schemes not yet agreed upon or approved by the Education Department. He affected to be horrified at the Anaconda coil of schemes that had been laid upon the Table. But, if his hon. Friend was so horrified at that dreadful serpent, which was coiling itself around hon. Members of this House, why did he not himself come to the rescue and cut the coils? He doubted whether the Amendment of the hon. Gentleman would carry out his own object. He had alluded to one scheme—that, he supposed, of Dulwich

College; but no county was named by the original Founder, and the different parishes interested in Dulwich School had different opinions on the subject; a scheme was settled not long ago which did not give full satisfaction to one or other of them. It was the duty of the Commission to examine into the matter and propose a scheme which would be just to all sides. By the clause as it now stood the Government took care that due regard should be paid to the interests of the particular class originally intended to be benefited, and the Amendment of his hon. Friend would only fence round and limit the action of the Commissioners much more than would be desirable.

MR. LOCKE said, he agreed with his hon. Friend who had moved that Amendment, that no greater mistake could be made than the adoption of a policy which took property from some people simply for the purpose of giving it to others. The Commissioners had made many mistakes in the exercise of their functions, and he had the greatest objection to the tyrannical powers with which they were armed. Representing as he did one of the parishes interested in the Dulwich School, he must say great complaints were made of the course they had taken in regard to that school. A scheme had been prepared, but it was kept back from the public, in the hope that in the meantime the powers of the Commissioners would be renewed. The Commissioners were three tyrants in the country, and they seemed to think that they could do anything they liked.

Question put.

The Committee divided:—Ayes 100; Noes 68: Majority 32.

#### AYES.

Acland, Sir T. D.	Brewer, Dr.
Anderson, G.	Brocklehurst, W. C.
Ayrton, rt. hon. A. S.	Brown, A. H.
Aytoun, R. S.	Bruce, rt. hon. H. A.
Baines, E.	Cadogan, hon. F. W.
Balfour, Sir G.	Campbell-Bannerman, H.
Barclay, J. W.	Candlish, J.
Bass, A.	Cardwell, rt. hon. E.
Bassett, F.	Carter, R. M.
Baxter, rt. hon. W. E.	Cave, T.
Beaumont, Major F.	Cavendish, Lord F. C.
Beaumont, W. B.	Childers, rt. hon. H.
Bentall, E. H.	Colebrooke, Sir T. E.
Biddulph, M.	Corrigan, Sir D.
Bolckow, H. W. F.	Davies, R.
Bowring, E. A.	Delahunty, J.
Brady, J.	Dent, J. D.
Brassey, T.	

Dickinson, S. S.	Lubbock, Sir J.
Dillwyn, L. L.	Lush, Dr.
Dixon, G.	Lusk, A.
Dodds, J.	Lyttelton, hon. C. G.
Duff, M. E. G.	Mackintosh, E. W.
Edwards, H.	McClure, T.
Egerton, Adml. hn. F.	M'Lagan, P.·
Enfield, Viscount	Miall, E.
Fitzmaurice, Lord E.	Miller, W.
Fitzwilliam, hon. H. W.	Mitchell, T. A.
Fletcher, I.	Monsell, rt. hon. W.
Forster, rt. hon. W. E.	Muntz, P. H.
Gilpin, C.	Peel, A. W.
Gladstone, rt. hn. W. E.	Pender, J.
Gladstone, W. H.	Playfair, L.
Goschen, rt. hon. G. J.	Price, W. E.
Gourley, E. T.	Rathbone, W.
Grieve, J. J.	Reed, C.
Hartington, Marq. of	Richard, H.
Henderson, J.	Shaw, R.
Henley, Lord	Sherlock, D.
Hibbert, J. T.	Sinclair, Sir J. G. T.
Hoskyns, C. Wren-	Storks, rt. hon. Sir H. K.
Illingworth, A.	Tollemache, hon. F. J.
Jardine, R.	Trevelyan, G. O.
Johnston, A.	Vivian, A. P.
Kensington, Lord	Wedderburn, Sir D.
Knatchbull-Hugessen,	Whitwell, J.
rt. hon. E. H.	Williams, W.
Lancaster, J.	Wingfield, Sir C.
Lawson, Sir W.	Young, rt. hon. G.
Leatham, E. A.	
Lefevre, G. J. S.	TELLERS.
Leith, J. F.	Adam, W. P.
Lowe, rt. hon. R.	Greville, hon. Captain

#### NOES.

Amphlett, R. P.	Manners, rt. hn. Lord J.
Baggallay, Sir R.	Mellor, T. W.
Bagge, Sir W.	Miller, J.
Barttelot, Colonel	Mitford, W. T.
Beach, Sir M. Hicks-	Monckton, hon. G.
Cawley, C. E.	Morley, S.
Charley, W. T.	Mowbray, rt. hon. J. R.
Collins, T.	Nicholson, W.
Craufurd, E. H. J.	O'Conor, D. M.
Cubitt, G.	Parker, Lieut.-Col. W.
Denison, C. B.	Patten, rt. hon. Col. W.
Dimsdale, R.	Pell, A.
Disraeli, rt. hon. B.	Phipps, C. P.
Dowdeswell, W. E.	Pim, J.
Dyke, W. H.	Plunket, hon. D. R.
Egerton, hon. W.	Powell, F. S.
Figgins, J.	Read, C. S.
Finch, G. H.	Salt, T.
Floyer, J.	Sandon, Viscount
Fowler, R. N.	Scourfield, J. H.
Gooch, Sir D.	Smith, S. G.
Gordon, E. S.	Stanhope, W. T. W. S.
Gore, J. R. O.	Steere, L.
Grant, Col. hon. J.	Talbot, J. G.
Hardy, rt. hon. G.	Taylor, rt. hon. Col.
Henley, rt. hon. J. W.	Torr, J.
Hermon, E.	Turner, C.
Heygate, W. U.	Watney, J.
Hodgson, K. D.	Welby, W. E.
Holt, J. M.	Whalley, G. H.
Hope, A. J. B. B.	Wheelhouse, W. S. J.
Kavanagh, A. MacM.	Winn, R.
Kennaway, Sir J. H.	
Lindsay, hon. Col. C.	TELLERS.
Lindsay, Col. R. L.	Locke, J.
Lowther, hon. W.	Torrans, W. T. M'C.

In reply to  
Mr. W.  
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volved a question of principle and not of practice.

Question put.

The Committee divided : — Ayes 84 ;  
Noes 40 : Majority 44.

Clause agreed to.

Clause 6 (Extension of 32 & 33 Vict. c. 56. s. 19. as to schools excepted from the provisions as to religion).

MR. GATHORNE HARDY said, he wished to move an Amendment which he considered one of considerable importance. This clause introduced a principle entirely novel, and which had never before been introduced into England—namely, it declared that all endowments connected with religion were to be considered non-religious, unless made subsequent to the reign of William and Mary—that was, in effect to say that all endowments up to that time were not to be respected, because they were made before the Act of Toleration. There were just as strong Church endowments made before that time as since. Even in the case of the Irish Church Disestablishment and Disendowment Act the Government respected the endowments which had been made long previously to the time of the Toleration Act. Were they going to say that in this country they should not be respected ? He begged therefore to move, as an Amendment, in page 2, line 32, to leave out from “endowment” to “if” in line 35.

Amendment proposed, in line 32, to leave out from the word “endowment,” to the word “if,” in line 35.—(Mr. Gathorne Hardy.)

Question proposed, “That the words proposed to be left out stand part of the Clause.”

MR. W. E. FORSTER said, the clause was intended to widen the term by which under Section 19 of the old Act schools were excepted from Section 17 and one or two other sections. That was a question which occupied a long time in Committee, and several propositions were made very much enlarging the scope of the clause. He himself would have preferred that the clause had been left as it stood so far as regarded exceptions; but as now proposed, it was not without argument in its favour. When the majority of the members of the Governing Body, or the principal teacher, or the scholars edu-

cated in the establishment were declared by the original endowment to belong to a particular denomination it would be considered a denominational school. That was the first condition. The second condition was that the endowment must have been made under such circumstances as must render it plain that it belonged to a particular denomination. It was only fair to require that in the latter case the words should show a real denominational intention. He must, for those reasons, oppose the Amendment.

Question put.

The Committee divided : — Ayes 88 ;  
Noes 40 : Majority 48.

MR. GATHORNE HARDY said, he would not move the other Amendments which stood in his name; but would now look to another quarter to remedy the injustice which had been done him by the Committee.

MR. HEYGATE moved, as an Amendment, in page 2, line 35, after “terms,” to insert, “or manifest intent.”

MR. W. E. FORSTER declined to accept the Amendment, on the ground that it would be very difficult to interpret the words. But with regard to the remark which had just been made by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), he must say that, both in Committee and in that House, the Government had shown a great desire to meet legitimate objections as far as they possibly could, and certainly they had to show that desire contrary to the feeling of many of their own Friends.

Amendment, by leave, withdrawn.

MR. COLLINS moved, as Amendments, in page 3, line 3, after “of” insert—“or shall attend the public worship;” and in line 10, after “section,” insert—

“In any such scheme it shall be provided that not less than two-thirds of the governing body shall always be members of such church, sect, or denomination.”

He did so, formally, to prevent the Amendments being lost, through the absence of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), in whose name they stood on the Paper.

Amendment negatived.

On Question, That the Clause stand part of the Bill ?

SIR JOHN LUBBOCK, in moving its omission, said, that Clause 19 of the Endowed Schools Act excepted certain schools from the operation of some provisions of the Endowed Schools Act. The clause now before the House extended these exceptions, and enacted that when by the statutes of the Founder, or by statutes made within 50 years of his death, the members of any Governing Body, or the advantage of any endowment, were confined to any particular sect, such limitation should hold good in perpetuity. Now, that clause seemed to him entirely in opposition to the spirit of recent legislation; it was a distinctly retrograde step—a clause for the perpetuation of schisms and sectarianism. It was quite right to leave great powers in the hands of testators, to allow almost any experiment, provided only the time was limited. But these endowments were not really endowments of religion; they were endowments of individual opinions. It was said that the law of England abhorred perpetuities; but no perpetuity was so bad as that of an erroneous or untenable opinion. In fact, they might with truth say that these endowments tended to the multiplication and perpetuation of temporary errors. They were attempts to influence the opinion of future generations, not by appeals to their intellect, but by taking advantage of the pressure of pecuniary necessities. The Universities had very wisely been thrown open, and yet it was proposed to maintain a spirit of sectarianism in the case of schools. He did not deny that there were advantages in the existence of honest and healthy differences of opinion on religious matters. Nonconformity had done great things for the country, but then it was tested and ennobled by self-sacrifice. A variety of religious sects, dead in themselves, but galvanized by money into unnatural vitality, would be an unmitigated evil. He begged to move the rejection of the clause.

MR. DILLWYN hoped the Committee would not be deterred by the threat which had been held out by the right hon. Member for Oxford University, who had just left the House, from doing their duty. Because he had failed in making a trifling alteration in this clause he had distinctly threatened the House that he was not satisfied with their decision, and would appeal to "another

place." It was the first time he had ever heard such a threat held out. Unless there were good grounds for retaining the clause, he should not be influenced by any such threats; but vote for its omission.

COLONEL WILSON-PATTEN said, he had heard the language used by his right hon. Friend, and he could assure the hon. Gentleman who had just sat down, that no threat whatever had been used. His right hon. Friend had been entirely misunderstood. He merely said, as his Amendment had not been adopted by the Committee, he hoped it would be adopted in "another place." His right hon. Friend was the last person in the world who would venture to threaten the House in any way whatever.

MR. DILLYWN was in the recollection of the House, and he hoped the House would express its opinion whether he was right or wrong in his interpretation of the language which had been used by the right hon. Gentleman.

DR. LYON PLAYFAIR observed that, as the clause had been brought in in the interests of conciliation, there was much to be said in its favour. But after what the right hon. Gentleman opposite had said, his feelings were quite altered respecting it. He had taken down the words of the right hon. Gentleman, and they were—"That he would look to 'another place' for that justice which was denied him by the Committee." After they had been told that the clause was to be altered in a certain sense in "another House," the best thing would be to leave no clause to be altered, by omitting it.

MR. F. S. POWELL thought there was nothing disrespectful to the House in expressing the hope that in "another place" a different decision would be arrived at. With regard to the proposal of the hon. Member for Maidstone, he took exception to the hon. Member's statement that this class of endowments were intended to promote, not religion, but the opinions respecting religion held by the founders, and were therefore not entitled to be defended by the law of England. The same doctrine struck at the foundation of every Dissenting place of worship in the kingdom. The maintenance of these endowments was in accordance with the principles of justice. He supported the clause.

MR. W. E. FORSTER rather regretted the remark of the right hon.

Gentleman, but he did not think it was intended to bear the interpretation which had been given to it. To be candid, he must say that that was a clause which he proposed in the Committee in the interests of conciliation, and he thought it was a fair addition to Section 19 of the principal Act. There was fairness in saying, as it did, that since the Toleration Act, no endowment, in which, by the original instrument and by invariable custom since that time, it had been required that the majority of the Governing Body should be members of a certain denomination, and that the principal teacher should belong to that denomination, should be interfered with, and he did not think it went beyond the principle of the original section. He could understand those who objected to the original provision objecting to that also. The reason why it was proposed was that there were certain endowments which everybody expected would come under the provisions of the original Act which had not come under it. It must be remembered that it was even possible for a Church school to have a majority of Governors belonging to Dissenting denominations; at any rate, provision was made for the admission of Dissenters as members of the Governing Body, as well as for meeting the conscientious views of the parents whose children might attend such schools.

MR. CLARE READ remarked that if small men made observations similar to that attributed to the right hon. Gentleman no indignation was aroused by them. ["Oh, oh !"] When the Agricultural Children's Bill was in Committee of the House, and a certain Amendment had been carried, he said he would not trouble the Committee to divide again, because he hoped the Bill would be set right in "another place." No indignant remark was uttered when he made that observation.

MR. ILLINGWORTH said, it was their duty to express their honest convictions, and to leave those in "another place" to do the same. Most of the schools which would come under Clause 19 were in Cathedral cities, where, as might be inferred from the course of that discussion, there was a good percentage of Dissenters. The result of passing that clause would be to prevent many of these Dissenters from being on the Governing Bodies of the schools, for it had been the practice of the

Commissioners to confine co-optative appointments to the members of the Church of England. It was both unjust and impolitic to admit Dissenters to a trust, and at the same time to provide that in no case should there be a majority of them. If they had civil and parochial rights, why should they be treated in this exceptional manner? Why were they not to exercise the rights of the majority, if they were the majority? What was done from expediency in the case of the Irish Church was no guide as to what should be done in utilizing schools which were of a national character. So far from being privileged schools they were substantially national schools. What civil, parochial, or educational right had a Dissenter given up by building a chapel and providing for religious services there? He did not thereby subject himself to any disability, in respect of property or privilege of the Church by law established.

MR. HEYGATE said, he should support the clause, as it was a small step in the right direction, but it failed to meet the justice of the case.

Question put.

The Committee *divided*: — Ayes 88; Noes 48 : Majority 40.

*Clause agreed to.*

Clauses 7 to 10, inclusive, *agreed to.*

Clause 11) Amendment of 32 and 33 Vict., c. 56, s. 37, as to approval of Committee of Council on Education to schemes).

MR. CRAUFURD moved, in page 4, line 41, the omission of the words "such scheme may be approved of by Her Majesty without being laid before Parliament." He objected to these words, because they took away the control exercised by Parliament over these Commissioners. It was becoming rather fashionable on the Treasury Bench to talk of the inconvenience of the control of the House of Commons, and they knew that with regard to a certain contract the Minister principally concerned had expressed his opinion that Parliament should have no control over such matters.

MR. W. E. FORSTER said, the effect of the Amendment would be that no appeal, such as at present existed, would be possible ; and that was hardly what the hon. Gentleman was aiming at. The Committee thought there were a

great number of schemes which it was not worth while burdening Parliament with, and which it was desirable to pass without any unnecessary delay.

*Amendment, by leave, withdrawn.*

*Clause agreed to.*

*Clauses 12 to 14, inclusive, agreed to.*

*Clause 15 (Continuance of powers of making schemes).*

MR. COLLINS thought it would be enough if the Commission were continued for three years, instead of five, and would move accordingly in line 28, page 6, to leave out from "one thousand eight hundred and seventy six," to the end of the clause.

MR. W. E. FORSTER said, he would accept the Amendment.

*Amendment agreed to.*

MR. W. M. TORRENS complained that an Amendment of his, limiting the duration of the Commission to one year, although handed in to the Clerk at the Table prior to that of the hon. and learned Gentleman the Member for Boston, was not placed upon the Paper in its proper course. Owing to that arrangement, the words which he (Mr. W. M. Torrens) proposed to amend were swept away, before he had the opportunity of doing so; but nevertheless, he would stand upon his right, and move the substitution of 1874 for 1876. The Government had not yielded a single point in Committee that night, and now the Vice President of the Council did not scruple to try by taking advantage of a printer's error to shut out an Amendment which challenged the policy of prolonging the existence of the Commission for more than one year. But there was such a thing as being "too clever by half." The Government had brought in three educational measures this Session professedly founded upon a policy of conciliation. The first foundered in a calm sea, and the Ministry had to take to the Brighton boat to get safe to land. They saved the second Bill by throwing over half the cargo; and now upon the third Bill, the House could not agree upon a single clause, although the Bill had had the advantage of a patient examination by a Committee upstairs. The matter became of the more importance when hon. Members were threatened with the loss of their seats, if they did not vote according to the dictation of the Birmingham League. He regarded that as an

exceedingly bad Bill, and had voted against the second reading with great pleasure. He appealed to the conscience and fair play of the country against the proposal to increase the arbitrary power of these three Commissioners, and should move accordingly to substitute "1874" for "1876," in page 6, line 28.

THE CHAIRMAN ruled that the date 1876 having disappeared from the clause in the last Amendment, the hon. Gentleman's Amendment, substituting for it 1874 must fall to the ground.

MR. CRAUFURD complained that he had an Amendment on the Paper, which should have precedence of the one now under discussion.

MR. COLLINS, by leave, withdrew his Amendment.

*Amendment, by leave, withdrawn.*

MR. W. M. TORRENS moved, in page 6, line 28, to leave out "76" in order to insert "74."

MR. GATHORNE HARDY said, he understood that some remarks had been made in his absence on something he had said at the close of the discussion on a former clause. He did not go out of the House at the moment, and he should have thought if any hon. Gentleman wished to comment on what he had said, he would have preferred to do it in his presence rather than when he was away. But if he were to speak over again, he should say exactly the same thing as before. He did not recognize that this House had an absolute right to determine everything, irrespective of the people outside the House, or the Lords, who were a co-ordinate branch of the Legislature. What he had said was that, in his belief, injustice had been done in some of these clauses, and that he looked to the Lords to remedy it. [Cries of "Order!"] He was quite ready to obey a call of Order from the Chair.

MR. GLADSTONE: It is the duty of any hon. Member of the House to rise to a point of Order. The right hon. Gentleman is not warranted in repeating a speech made on a former occasion. The right hon. Gentleman is appealing to Members, and is repeating what he said. I say that is not in conformity with Order.

THE CHAIRMAN: It is, I believe, the universal feeling in this House to concede to any hon. Member a hearing when he desires to offer a personal ex-

planation. In this respect I think considerable latitude is allowed. In my opinion the right hon. Gentleman had no intention to exceed, nor does he exceed that latitude.

MR. GATHORNE HARDY said, that he did not wish to exceed that latitude; but he was in Order, because it must be remembered that he was speaking in Committee, and he had a perfect right to repeat everything and go into every case connected with the Bill. The Motion now before the House was, whether the Endowed Schools Commission should continue one year or five, and he understood that in his absence, some hon. Gentlemen had made some remarks on what he had said. He was quite sure that they would have been glad to have made them in his presence; but what he said was, that he considered some injustice had been done, but that he would not give the Committee the trouble of dividing any further, but that he would look for justice on those points "elsewhere", and nothing more. He did not hesitate to say what his meaning was; he might appeal to the people, or the House of Lords, and he was quite entitled to say that he considered the people to over-ride that House, and the House of Lords to be co-ordinate with it. It was not said in an offensive manner, and he in no way threatened the House, and in point of fact the right hon. Gentleman might just as well be accused of doing so when he had told them that they must do certain things, or it would bring about a collision with the House of Lords. He had never been wanting in respect to any hon. Member, nor had he ever disparaged the House of Commons. On the contrary, he should stand up just as much for the privileges of that House as the House of Lords.

MR. DILLWYN explained that he did express his regret at the absence of the right hon. Gentleman at the time he was making the remarks, and what the right hon. Gentleman now stated quite confirmed what he had said. He admitted that he complained that the right hon. Gentleman had threatened them by dangling the House of Lords before their eyes; but if he had misapprehended him, he must express his regret.

MR. W. E. FORSTER said, he thought they might now go on with the business of the Committee. His hon. Friend had

proposed to omit the word 1876 and substitute 1874. The Government were willing to give up the two years, and thus continue the Commission till 1876; but they could not be blamed for supporting the provisions of their own Bill. He was surprised that they should be accused of unwillingness to make concessions, after the one they had just made. Every clause they proposed was in accordance with the views of the Committee upstairs. He hoped the Committee would not accept the limit of one year as proposed.

LORD JOHN MANNERS said, that the decisions of the Committee upstairs were very much the reflex in their essential part of the will of the right hon. Gentleman, and he would therefore urge the hon. Member for Finsbury not to trouble the Committee by dividing.

#### *Amendment negatived.*

On the Motion of MR. COLLINS, Amendment made, in page 6, line 28, by leaving out from "seventy-six" to end of clause.

Clause, as amended, *agreed to.*

Clause 16 *agreed to.*

SIR JOHN LUBBOCK proposed a clause which would open to the graduates of any British University the office of head master in any endowed school, which was now restricted to graduates of Oxford and Cambridge.

A Clause (Graduate of any University of the United Kingdom, if otherwise fit, shall be held qualified where the statutes require the head master to be a graduate of Oxford or Cambridge,)—(Sir John Lubbock,)—*brought up*, and read the first time.

Question proposed, "That the Clause be read a second time."

MR. BERESFORD HOPE opposed the clause, which was altogether beyond the scope of the Bill. It appeared to be a very mild, benevolent clause, but it would over-ride the constitution of all endowed schools. He would suggest that the hon. Gentleman should bring in a Bill on some Wednesday next Session for the purpose of carrying out the object he had in view.

SIR JOHN LUBBOCK defended the clause, pointing out that a similar provision had been introduced into every scheme already sanctioned which had become law, and that to their honour be

it said, neither Oxford nor Cambridge had made any objection. The provision that masters and head masters should be graduates of Oxford or Cambridge was not intended to favour those Universities, but to secure competent men. The degrees granted by the University of London were as thorough and complete as any other degrees in the world; and he believed there was now no British University the degrees of which were open to criticism. The Committee, therefore, need not fear if they adopted the clause that they would be lowering the standard of qualification for masters. That was a question which could not be determined by a case of individual hardship, but must be dealt with on liberal principles. If necessary, however, he was prepared to show that it was no theoretical grievance which would be remedied by the clause.

COLONEL WILSON - PATTEN observed that the term "British" would exclude graduates of Trinity College, Dublin.

SIR JOHN LUBBOCK said, he would alter the phraseology to graduates of "any University in the United Kingdom."

MR. F. S. POWELL said, the clause differed entirely from the whole framework of the Bill, and of the existing Act. It was not by the provisions of the measure that schools were affected, but by schemes framed under the Act. He did not object to the qualification in favour of a graduate of the London University; but he objected to have an isolated provision acting of itself, and by itself, instead of by schemes adapted to the several cases.

MR. W. E. FORSTER said, it seemed to him that the clause could not be really objected to. He hoped that the hon. Member for the University of Cambridge (Mr. Beresford Hope) would withdraw his opposition to it, or at all events, that the Committee would not think it necessary to divide.

MR. MOWBRAY complained that the hon. Member for Maidstone had proposed his Amendment without one word of explanation. That was only another instance of the irregularities which had characterized the proceedings of that evening.

MR. HENLEY said, that if in past times people were foolish enough to give their money for these purposes, expecting that their wishes would be abided

by, he did not see why they should not have full power to choose the graduates of what Universities they liked. It seemed to be the fashion now to try to upset everything. The Scotch Universities existed at the time the Founders made this choice, and he thought that their wishes ought to be regarded. The clause might have something in it, but it certainly introduced a very new and wide principle which was quite alien to the whole framework of the Bill.

MR. BERESFORD HOPE said, he would divide the Committee against it, as he could not accept the suggestion of the right-hon. Gentleman to withdraw the opposition to the clause.

SIR DOMINIC CORRIGAN supported the clause. No one could object to putting all the Universities on a level. The objection, therefore, was merely a technical one.

MR. J. G. TALBOT thought the present was another instance of unnecessary legislation. He thought the proposed alteration could be effected by scheme, and objected to the insertion in an Act of Parliament, on a totally different subject, of a provision that would place all the Universities on the same level, and make no distinction between the ancient institutions of Oxford and Cambridge and the mushroom Universities of modern times. The question, if raised at all, should be considered in a separate measure.

SIR FRANCIS GOLDSMID said, he could not help expressing his surprise at the opposition of the right hon. and hon. Members for Oxford and Cambridge Universities. He believed it would be for the advantage of those Universities that the clause should be inserted. He thought no disrespect could be more marked than that which excluded a graduate of a University from equal competition with the members of the older ones.

DR. LYON PLAYFAIR said, he would remind the Committee that the schemes of the Commissioners included many subjects of modern learning, such as physical science, and therefore it was desirable that they should extend the area of selection for the teachers of these schools as much as possible.

SIR MICHAEL HICKS - BEACH asked why they should over-ride the will of a Founder who designed to benefit graduates of Oxford? He thought the clause went further than the hon. Mem-

*Sir John Lubbock*

ber intended. If its operation were confined to existing Universities in the United Kingdom it would be a great improvement.

MR. CRAUFURD objected that there was no reciprocity in the clause, and that if it passed in its present form London University might still enjoy any monopolies of its own.

Question put.

The Committee divided:—Ayes 141; Noses 65: Majority 76.

On Question? That the Clause be added to the Bill.

SIR MICHAEL HICKS-BEACH said, that before the clause was added to the Bill he wished to propose an Amendment which would place all the Universities in the kingdom on an equal footing. He accordingly moved the omission of the words “the University of Oxford or the University of Cambridge,” to make way for the insertion of the words “a University graduate.”

Amendment agreed to.

SIR FRANCIS GOLDSMID pointed out that the Amendment would virtually exclude Oxford and Cambridge, even if named in the will of the Founder, and he suggested that the better way would be to omit “Oxford and Cambridge,” and insert “some specified University or Universities,” which would meet the difficulty.

MR. W. E. FORSTER agreed with the hon. Member as to the desirability of inserting such words.

Amendment agreed to; words inserted accordingly.

SIR MICHAEL HICKS-BEACH moved the insertion of the words “existing at the time of the passing of this Act,” the object being to restrict the clause to existing Universities.

THE CHANCELLOR OF THE EXCHEQUER said, that Universities did not rise spontaneously, like mushrooms. No University could be created without the consent of the Crown, and they had had experience in the early part of that Session how very difficult it was to create Universities. He did not think the objection of the hon. Baronet ought to prevail. It was not an unreasonable presumption that if new Universities should be founded it would be because some better principle was devised which would make them something more in

accordance with the spirit of the times; and he did not see, therefore, that the elder Universities were entitled to any particular preference in this matter, for if any fault were to be found with them, it was that they had been too easy in giving their degrees.

Amendment negatived.

Clause, as amended, agreed to, and added to the Bill.

MR. LOCKE moved the following new clause:—

“The power of the Commissioners under section ten of the Endowed Schools Act (the principal Act) for removing any governors or trustees of schools shall be restricted to those cases only in which it may appear that the governors or trustees have proved themselves unfit for the execution of their duties by reason of neglect or mismanagement.

He thought that some hon. Members were under the impression that it was the duty of the Governors to teach the boys. In fact, their duty was to see that the establishment was managed according to the scheme laid down for that purpose. Any unnecessary removal, or the introduction of new Governors unacquainted with the management, would only tend to produce confusion, and he hoped his right hon. Friend (Mr. Forster) would accept what he considered a very mild proposal. If he could not agree to it in the shape proposed he trusted that the object would be met by some other words.

New Clause (As to removal of governors or trustees of Endowed Schools,)—(Mr. Locke,)—brought up, and read the first time.

Question proposed, “That the Clause be read a second time.”

MR. W. E. FORSTER opposed the clause, which, he said, if carried, would put the whole of this matter in the same position as it would have assumed under the original Resolution proposed in the Committee by the hon. Member for Kent, and which was rejected by the whole of the Committee, with the exception of its Mover and Seconder. Restrictions were already numerous enough, and it would be most difficult to carry out reforms under the conditions which the clause proposed.

MR. HEYGATE thought it would be wise on the part of the right hon. Gentleman to accept the clause, as it would have the effect of lessening the unpopu-

larity of the Commissioners in the country.

MR. A. JOHNSTON observed that the unpopularity of the Commissioners had been so often talked about, that people began to believe in it. According to his own experience, the action of the Commissioners was welcome, popular, and satisfactory.

MR. ALDERMAN LAWRENCE supported the clause, though he had no expectation that it would be carried. He thought that trustees who had faithfully and without legitimate complaint fulfilled their duties to their schools ought not to be liable to removal.

Question put.

House resumed.

The Committee divided :—Ayes 100; Noes 146 : Majority 46.

Schedules agreed to.

MR. BECKETT - DENISON gave Notice that on the Report he would move, as an Amendment to Clause 13, a Proviso to the effect that whenever any Motion for an Address to Her Majesty praying Her Majesty to withhold her assent from any proposed scheme of the Commissioners was made in either House of Parliament, it should be incumbent on the President or the Vice President of the Council to move the assent of the House to such scheme within two months. The object of the Proviso was to prevent the inconvenience which had been suffered in some instances from Motions in the hands of private Members expiring by effluxion of time.

House resumed.

Bill reported; as amended, to be considered To-morrow.

LANDED ESTATES COURT (IRELAND)  
(JUDGES) BILL—[BILL 182.]

(*The Marquess of Hartington, Mr. Baxter.*)  
SECOND READING.

Order for Second Reading read.

THE MARQUESS OF HARTINGTON said, that, since his statement that he should proceed with this Bill, the Government had re-considered their position; and, though there would be great convenience in obtaining legislative sanction for the course of not filling up the second Judgeship, it was not absolutely incumbent upon the Government to fill up the appointment even without legislative sanction. The Government,

therefore, did not propose to proceed with the Bill, upon the understanding that, unless unforeseen circumstances rendered it necessary to do so, they would not fill up the appointment. He regretted to learn that the learned Judge upon whose advice the Government had acted had been unjustly assailed, and his motives in giving that advice had been entirely misrepresented. That learned Judge did not originate the proposal not to fill up the appointment; but, upon being asked, he gave a straightforward answer, which was the only answer he could give, and he had refused to take the additional £500 a-year which was to have been granted to him during his life-time, unless that increased salary was attached to the office and continued to his successors. He would move that the Order be discharged.

DR. BALL said, the course taken by the Government would give general satisfaction; but he hoped the noble Lord would not meanwhile commit himself one way or the other as to the filling up of the vacancy. In his (Dr. Ball's) opinion the second Judge should be appointed, especially as there was a considerable amount of property which had belonged to the Irish Church which ought to be dealt with in this Court.

Motion agreed to.

Order discharged.

Bill withdrawn.

ELEMENTARY EDUCATION ACT (1870)  
AMENDMENT, &c., BILL—[BILL 245.]

(*Mr. William Edward Forster, Mr. Secretary  
Bruce.*)

CONSIDERATION.

Bill, as amended, considered.

VISCOUNT SANDON proposed a new clause, taken almost word for word from the Scotch Education Act of last year, providing that any person who took into his service a child under 13 years of age, unable to read or write, should be deemed thereby to undertake the duty of a parent as to elementary education.

New Clause (Any person who takes into his service a child under thirteen unable to read or write shall be deemed thereby to undertake duty of parent as to elementary education,) — (*Viscount Sandon*) — brought up, and read the first time.

*Mr. Hoygate*

Question proposed, "That the Clause be read a second time."

MR. VERNON HAROURT observed that it had been often said that an Act of Parliament could do anything but convert a man into a woman, and that clause proposed to convert an employer into a parent. A person who took a poor child into his employment, really from motives of charity, would, in consequence, be saddled with serious consequences, and in his opinion the clause was a most objectionable one. If it were passed, the result would be that a benevolent employer would dismiss the child from his employment, rather than have such heavy responsibilities imposed upon him. The ultimate consequence of the clause would be to drive such poor children into the street, and more unwise or despotic legislation for the purpose in view could not be imagined. He hoped the House would not fulminate such a decree against persons who were acting in the interests of benevolence.

MR. W. E. FORSTER thought that though the clause might, with advantage in some instances, be carried into effect, yet it raised too important and complicated a question to be adopted at the present late period of the Session. He was aware, however, that the clause had been urged by many school boards after much consideration.

DR. LYON PLAYFAIR said, that the hon. and learned Member for the City of Oxford (Mr. Harcourt) had entirely mistaken the object of the clause, which had nothing to do with vagrant children, but was a general clause making education a condition for employment of labour. This kind of indirect compulsion was chiefly relied upon by some countries, as in Denmark, and certainly, before we succeeded in making compulsion universal in this country, direct compulsion must be backed up by some form of indirect compulsion of this kind. But with the doubts which had been expressed by competent authority—that the words of the proposed clause would interfere with other forms of indirect compulsion already existing in the Factory and Workshops Acts, he would suggest to the noble Lord the Member for Liverpool (Viscount Sandon) that he should not push his new clause at present—though, if he did, he would vote for it.

VISCOUNT SANDON remarked, in answer to Mr. HAROURT, that such a sys-

tem of compulsion as that which he proposed existed at present under the Factory Acts. He had been urged only five minutes ago by the Vice President of Council to bring on the clause; but after being deserted by him in a manner of which he had right to complain, he would not persevere with the clause.

MR. W. E. FORSTER explained that he told the noble Lord that there was a great deal in his proposal which deserved support, but that it would require a good deal of alteration.

MR. SPEAKER put the Question, That the clause, by leave of the House, be withdrawn. [*Cries of "No, no!"*]

MR. MELLY said, that if it was intended to divide, he should like to say a few words on the clause. It went much further than the Factory Acts, as it provided no modified half-time system at all. The school boards were beginning at the wrong end by taking hold of these children who were learning how to earn their living, instead of turning their attention to the education of those poor children who wandered about the streets of large towns and never went to work.

MR. D. DALRYMPLE expressed it to be his intention, if the House went to a division, to vote for the clause. He, however, hoped it would be allowed to be withdrawn.

MR. GLADSTONE said, that the Government did not object to the principle of the clause, but they must vote against it for two reasons. First, it was a subject upon which a serious difference of opinion existed, and it was undesirable that at so late a stage of the Bill any provisions should be introduced into it that did not meet with the full consent of the House. Secondly, the clause was objectionable in some of its details. It would be the duty of the Government to vote against it; but that must not be taken as an indication that the Government disapproved of the principle of the clause.

Question put, and *negative*.

MR. CUBITT moved a new clause for dividing the Lambeth division of the London School Board district into the Lambeth and Wandsworth divisions—the Lambeth division to consist of the borough of Lambeth and the parts of the parishes of Lambeth and Camberwell outside the borough; and the Wandsworth division, of the parishes of

Clapham, Tooting Graveney, Streatham, Battersea (excluding Penge), Wandsworth, and Putney. The parish contained 500,000 people and had an area of 32 square miles.

New Clause (Division of Lambeth into two School Board districts,—(Mr. Cubitt,)—*brought up*, and read the first time.

MR. REED said, if that was the proper time, he should fully concur with the hon. Member in thinking that a division of the area of Lambeth was desirable. But there were other large districts, such as Greenwich, Finsbury, and Marylebone, which also required to be divided; Greenwich for area, and Finsbury and Marylebone on account of population. The question was, whether such arrangements could be made at that stage of the Bill. Though he considered the hon. Member had a good case, for the reason he had stated he could not vote for the clause.

MR. HINDE PALMER said, the reasons for the division of Lambeth were so strong that if the hon. Member for East Surrey divided the House he would vote for the clause.

MR. W. H. SMITH supported the principle of the clause, as he thought the population of Lambeth was too large to be represented as they were now on the School Board.

MR. W. E. FORSTER said, the difficulty of the proposition was, that it opened a much larger question than the division of the borough of Lambeth—in fact, it would lead to the consideration of the larger question of the re-distribution of seats on the London School Board. That was a grave question, which ought not to be raised at present, especially as he understood that no representation had been made by the representatives of Lambeth to the Education Department or to the School Board on the subject. It would be quite time enough to consider the question when such an application was made.

Motion made, and Question put, "That the Clause be read a second time."

The House divided :—Ayes 77 ; Noes 128 : Majority 51.

LORD JOHN MANNERS proposed a clause, providing that after a school board had established sufficient schools in a locality it might be dissolved?

*Mr. Cubitt*

New Clause (After the School Board has established sufficient schools the Board may be dissolved,)—(Lord John Manners,)—*brought up*, and read the first time.

MR. W. E. FORSTER opposed the clause as introducing a new principle into our legislation. Besides providing sufficient school accommodation, other duties fell upon the Board, one of them being to enforce compulsory attendance at the school.

MR. CLARE READ reminded the right hon. Gentleman that in the case of Highway Boards a Board could unboard itself.

Motion made, and Question put, "That the Clause be read a second time."

The House divided :—Ayes 63 ; Noes 126 : Majority 63.

Clause 3 (Repeal of and substitution of other provisions for 18 & 19 Vict. c. 34. (Denison Act)).

Amendment proposed, in page 1, line 21, to leave out the words "it shall be a condition of such relief that."—(Sir Michael Hicks-Beach.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Amendment, by leave, withdrawn.

Amendment proposed,

In page 1, line 26, after the word "purpose," to insert the words "relief out of the workhouse may be granted to the indigent parent of any poor child between five and thirteen years of age to enable him to send such child to a public elementary school by withdrawing him from labour, providing him with suitable clothing, and paying the school fees."—(Mr. Stapleton.)

MR. W. E. FORSTER said, the Amendment proposed by the hon. Gentleman would without doubt be an important addition to the clause, but it was open to the objection that it would alter the conditions of Poor Law relief. The clause as passed in Committee not only enabled, but required Guardians to see that the children of out-door paupers were educated and to provide proper relief if necessary for that purpose. But the Amendment would introduce this principle—that a man who was not a pauper, according to the general definition of pauperism, might become one solely for the purpose of the education of his children.

Question, "That those words be there inserted," put, and negatived.

Clause 23 (Regulations as to legal proceedings).

MR. J. G. TALBOT, in moving the omission of sub-section 6, said, it would in effect introduce a new principle into the criminal law, by compelling a man to prove he was not guilty before evidence had been offered against him. It should lie on the Inspector to prove that children in respect of whom the parent was summoned were of an age which rendered them liable to be sent to school.

Amendment proposed, in page 8, line 37, to leave out from the word "certificate," to the words "if a child," in line 41.—(Mr. J. G. Talbot.)

MR. REED believed that his right hon. Friend the Vice President of the Council had introduced that provision on the strong report of the School Board of London, with a view to meet the difficulty which they had experienced in proving the age of a child. If the child were at any employment, a strong temptation was afforded to the father not to allow the age of the child to appear, and he thought that, therefore, was a most reasonable provision.

MR. VERNON HARCOURT supported the Motion, on the ground that the sub-section introduced a new rule at variance with all the ordinary rules for the administration of justice. The argument of the hon. Member for Hackney (Mr. Reed) amounted to this—that because it was difficult to prove a man guilty they ought to assume his guilt. Such a proposition was subversive of the first principle of their law. An Act to that effect would have had a considerable effect in shortening a certain criminal case now in course of trial.

MR. W. E. FORSTER said, they should not forget the interests of the child in considering the interests of the parent. The principle of the clause had been already adopted in the Vaccination and Factory Acts.

MR. W. M. TORRENS was heartily sorry and ashamed to hear that the London School Board had been the authors of this provision. Could anything be more absurd or unjust than an enactment which threw the onus of proving the educational efficiency of a particular school upon the scared and ignorant parent, who was had up for

not sending his child to the new Board school? He cordially supported the Amendment.

MR. MUNDELLA regarded the provision in the Bill as being a beneficial one in the interests of the children.

MR. WATKIN WILLIAMS denied that the clause embodied any new principle.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 113; Noes 60: Majority 53.

Bill to be read the third time To-morrow, at Two of the clock.

#### RATING LIABILITY (IRELAND) BILL.

(*The Marquess of Hartington, Mr. Secretary Bruce.*)

[BILL 246.] SECOND READING.

Order for Second Reading read.

THE MARQUESS OF HARTINGTON, in moving the second reading of this Bill, explained that it abolished the exemption of Government property from rating, and also included in the valuation lists hereditaments which had heretofore been excluded.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Marquess of Hartington.*)

MR. PIM moved that the Bill be read a second time that day three months. He complained that among other defects the Bill contained no provision for the equitable valuation of the revenues of the harbour authorities of Ireland, and he therefore considered himself justified in moving its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Pim.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. VANCE, in opposing the Bill, said, it was a most imperfect measure, and entirely a step in the wrong direction.

SIR DOMINIC CORRIGAN supported the Bill, contending that in principle it was a step in the right direction, but would admit it might be amended in Committee.

THE MARQUESS OF HARTINGTON hoped the opposition to the second reading would be withdrawn. He would remind the hon. Member for Dublin (Mr.

Pim) that his objection might be dealt with in Committee.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read a second time, and committed for To-morrow.

LAW AGENTS (SCOTLAND) BILL.  
LORDS' AMENDMENTS. CONSIDERATION.

Lords' Amendments considered.

On Amendment made by the Lords, that Writers to the Signet should hereafter be enrolled as law agents.

MR. GRIEVE moved that the House disagree with the Amendment, as it was entirely at variance with the principle of the Bill.

MR. LEITH, on behalf of the Society of Advocates of Aberdeen, disapproved of the Amendment which the Lords had introduced.

THE LORD ADVOCATE said, the object was very fully discussed when before the House of Commons on a previous occasion, and he was entirely against the Amendment which had been introduced by the Lords.

Motion agreed to.

Lords' Amendment disagreed to.

Lords' Amendment, that members of the Society of Solicitors should be enrolled as law agents disagreed to.

On the Motion of the Lord ADVOCATE Lords' Amendment to insert "incorporated" in lieu of "unincorporated," in line 12, page 7, agreed to.

Committee appointed, "to draw up Reasons to be assigned to The Lords for disagreeing to certain of the Amendments made by The Lords to the Law Agents (Scotland) Bill:"—The LORD ADVOCATE, MR. CHILDERS, MR. ADAM, MR. GRIEVE, MR. LEITH, and MR. CRAUFURD:—To withdraw immediately; Three to be the quorum.

APPROPRIATION OF SEATS (CASHEL AND SLIGO).—LEAVE.

Motion made, and Question proposed,

"That leave be given to bring in a Bill for the appropriation to the towns of Kingstown and Queenstown of the seats vacated by the disfranchisement of the boroughs of Cashel and Sligo."—(Mr. Butt.)

MR. J. LOWTHER said, he should feel it his duty to oppose the introduction of the Bill.

MR. VANCE observed that he should likewise have to oppose the Motion, if it were persevered in by the hon. and learned Member.

*The Marquess of Hartington*

THE MARQUESS OF HARTINGTON assured the hon. and learned Member for Limerick that the matter would receive the attention of the Government, who might possibly find themselves in a position to introduce a Bill on the subject next Session. He put it to the hon. and learned Member, therefore, whether it was worth his while to persevere with the Motion at that late period of the Session.

Motion, by leave, withdrawn.

EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. BAXTER, Bill to continue various Expiring Laws, ordered to be brought in by Mr. BAXTER and Mr. WILLIAM HENRY GLADSTONE.

Bill presented, and read the first time. [Bill 261.]

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Friday, 25th July, 1873.

MINUTES.]—PUBLIC BILLS.—First Reading—Penalties (Ireland)\* (242); Elementary Education Act (1870) Amendment, &c. \* (243). Second Reading—Public Records (Ireland) Act (1867) Amendment (209); Rating (Liability and Value) (231), negative; Extradition Act (1870) Amendment\* (235).

Committee—Revising Barristers (218-244); Turnpike Acts Continuance, &c. \* (223-245).

Report—Militia (Service, &c.) \* (237).

Third Reading—Medical Act Amendment (University of London)\* (214); Exchequer Bonds (£1,600,000)\* (222); Treasury Chest Fund\* (217); Consolidated Fund, &c. (Permanent Charges Redemption)\* (198); Military Manoeuvres\* (216); Conveyancing (Scotland)\* (238); Steam Threshing Machines, now Threshing Machines\* (239), and passed.

NAVY—PEBBLE POWDER—THE REVIEW AT PORTSMOUTH.

QUESTION.

LORD VIVIAN, after again narrating the accident that had occurred to the yacht, on the occasion of the late Naval Review at Spithead, said, that there must have been some mismanagement or the accident would not have happened, and asked, Whether the Admiralty were aware of the effects of pebble powder used without shot, prior to its use at the late Naval Review; whether there was not an ample supply of the small-grained powder ready for use; and whether, if so, the Admiralty still considered that

all those in authority were blameless for the accident which was unfortunately occasioned by the use of the pebble powder?

THE EARL OF CAMPERDOWN, in reply to the noble Lord's Question, said, he had to repeat what he stated on the former occasion, that, in the opinion of the Admiralty, no blame attached to the officers or any person on board the gunboat. If the noble Lord were still not satisfied, he would give him the reasons for that opinion. On the morning of the Naval Inspection an official notice to this effect appeared in *The Times*, and other newspapers, and was put up at Portsmouth—

"It is particularly requested that all yachts and steamers visiting Spithead on the 23rd inst. will refrain from passing between the lines of the iron-clad fleet during the inspection by His Majesty the Shah of Persia; and it is also requested that all vessels will refrain from closing round Her Majesty's yacht and other vessels in attendance. Yachts and other vessels should occupy positions north of the gunboat line, and south of the southern line next the Isle of Wight."

If those instructions had been obeyed, his noble Friend would not have been under the necessity of putting the Questions which he had just asked. There were two persons, and two only, in the gunboat, who might have been responsible. The one was the warrant officer, or gunner, and the other the captain of the gun, by the firing of which the accident was caused. The former, in obedience to orders, was astern, watching the gunboat astern of his. He was in that position for the purpose of taking the time—six seconds—which was to elapse between the firing of each boat. The funnel and funnel-casing were between him and the yacht; consequently he could not see her. She was not seen by the gun's captain in consequence of the high rifle proof shielding around all the forward part of the boat except where the gun protruded. The captain, when he received the order to fire, carried out that order because he saw nothing in front of the gun; but he had not fired the previous round because he saw there was something in the way. This tended to show that the firing was by no means careless. It had been stated that those on board the yacht received a signal from the gunboat that the latter was not about to fire. Two men in the gunboat signalled to the yacht when she was about 50 yards off. They did so

by holding up their hands—which they meant to be taken as a signal that the yacht was to keep out of the way. A gentleman on board held up his hands and the two men understood this to be an intimation that the signal given from the gunboat would be attended to. They saw no more. The engineer did see the yacht when she was only about 15 yards from the mouth of the gun; but at this time there was not time to warn her away. The gun was not fired point blank, but at some elevation. He once more expressed his regret for the accident; but a local inquiry had been instituted by the officer who, on the day of the Inspection, had command of the gunboats generally, and, with all the facts before them, the Admiralty could not allow that the officers on board the gunboat were in any way answerable for the accident. In reply to the first inquiry of his noble Friend, he had to say that, of course, the Admiralty were aware of the effects of pebble powder prior to its use on the occasion of the inspection at Spithead. In answer to his second Question, he had to say that there was an ample supply of small-grained powder in the dockyard; but it was not customary to use those large 18 and 25-ton guns for firing blank charges, and no cartridges suitable for them and filled with small-grained powder were ready on board. As to the result, it did not much matter whether pebble powder or small-grained was used, because the yacht was in such close proximity to the gun that she must have been badly scorched whatever the powder used. In reply to the third Question, the Admiralty did still consider that all those in authority were blameless in respect of the accident.

#### ARMY — THE SHELL "BOXER SHRAPNELL."

#### ADDRESS FOR CORRESPONDENCE.

THE EARL OF LONGFORD, in moving an Address for Correspondence relating to the invention of the "Boxer Shrapnell" Shell, said: My Lords, I have to ask your Lordships' attention for a short time to a case in which I think that a public Department has scarcely done justice to a gentleman who deserves better treatment at their hands. The Mr. Hope who is named in my Notice, served with distinction in the Army in the Crimea, and obtained

a Victoria Cross for valour in the field. At the end of the war he left the Army, and adopted the profession of a civil engineer. His name is well known in connection with works for drainage of towns and for scientific agriculture. Although not an Artillery officer, he had opportunities of which he took advantage, of studying artillery practically, and he noticed specially, defects in the spherical shells then in use in the artillery, uncertainty of flight, and generally, uncertainty in their destructive effect. On his return to England he designed a shell of a different form and construction, in which he hoped to remedy the acknowledged defects of the service shell. He took his pattern to the Artillery authorities of the day, but the time was not opportune, it was unsuitable to the gun of the period, &c., and his invention was coldly received; but he was so satisfied of its merit, and that it would be called for some day, that he deposited his pattern and drawings at the Royal Arsenal at Woolwich, in charge of Colonel Boxer, who was then, and for several years afterwards, attached to the laboratory there. Mr. Hope paid little attention to the subject for some time, being engaged otherwise; but in 1869 he noticed reports of most favourable results from a new shell in some artillery experiments at Dartmoor. He made inquiries, and found that this was substantially his own shell, which without any notice to him had been patented in 1864, by Colonel Boxer with some modification, and had been adopted into the service with the War Office name of "Boxer Shrapnell." Mr. Hope found his own pattern still at Woolwich, and satisfied himself that the two inventions were in all material points identical. Mr. Hope then put himself into communication with the War Office, writing in the plainest terms his claim to the invention, stating that he had himself given the model to Colonel Boxer at the former time named. The result was the correspondence which is the subject of my Motion. It will be unnecessary, and perhaps irregular, for me to take your Lordships through it. The substance is, that Mr. Hope claims that the name and credit, and if there is anything more than credit attaching to the new shell, it is rightfully his. His claim is supported by the legal and scientific opinions of Mr. Grove, now Mr. Justice Grove; Mr. Aston, Mr.

H. Lloyd, Q.C., Mr. Young (Lord Advocate)—gentlemen experienced in cases connected with inventions and patents, who respectively give their opinions that the invention is substantially his; and that if he had taken out a patent originally, Colonel Boxer's patent could not have stood at all. I am quite aware that Colonel Boxer has rendered valuable assistance to the War Office in the scientific development and in the manufacture of war material, and that without entirely neglecting his own interests, he has been an efficient public servant. But that is no reason why he should adopt his friend's shell without acknowledgment; and it is no reason why the War Office should hesitate to make full inquiry into such a claim as Mr. Hope has brought forward. This Correspondence with the War Office lasted about two years. Mr. Hope has never been informed, as far as I can learn, that the War Office is satisfied that he has no claim; in fact, he has had no definite answer at all, except that Mr. Cardwell declined to continue the correspondence. At first there seemed to be a disposition to examine the merits; but Mr. Cardwell subsequently adopted the view that it was a dispute between Mr. Hope and Colonel Boxer, which ought to be settled by a civil action, in which he would take no part; but Mr. Hope having no patent had no claim against anyone for an infringement, and not being commercially interested in the manufacture of shells, he had no claim against anyone for damages, so he was in difficulty about his civil action. Moreover, the War Office, professing to be impartial, had taken a very strong part on one side, by retaining the name of "Boxer Shrapnell" to the invention in dispute; and it is quite as necessary for the credit of the War Department as for the interest of the other parties concerned, that the whole transaction should be known, and that a dispute which involves a grave charge against an officer of the Department should be settled. Mr. Hope has expressed his perfect readiness that his claim should be submitted to the judgment of Sir William Eyre, or of the President of the Royal Society, or of any impartial arbitrator of high standing, and I submit to your Lordships that such would be the best way of disposing of this claim; but the case is one of considerable importance, and could only be decided by a really responsible arbitra-

*The Earl of Longford*

tor. I am aware, from a short official experience, of the intricacy of claims to inventions, and of the difficulties that surround such questions. Sometimes a worthless invention is pressed, on speculation; sometimes a really valuable invention fails in some detail; and when that is supplied as an invention upon an invention, cross and confused claims arise. But I submit that this case separates itself from such uncertain claims; it is brought forward by a gentleman whose position is known; it is not worthless, for its value has been proved by its adoption into the service; it is not too intricate to be settled by some such reference as Mr. Hope is willing to submit to; and it would be right for the War Office to adopt this course. My Motion in form is an Address for Copies of Correspondence; but I should be glad to hear that the noble Marquess (the Marquess of Lansdowne), in consenting to produce whatever Papers can be properly produced, will be able to say that the matter will be placed in the hands of a competent arbitrator for disposal. The noble Earl concluded by moving that an humble Address be presented to Her Majesty for—

Copies of Correspondence in 1870-71 between the authorities at the War Office and Mr. W. Hope, V.C., late of the 7th Royal Fusiliers, relative to the shell adopted into the service, and officially known as the "Boxer Shrapnell," which Mr. Hope claims to be his invention, and substantially identical with a shell deposited by himself in charge of the late Superintendent of the Royal Laboratory, Woolwich Arsenal, in December 1856:

Also for, Copies of any Correspondence between the authorities at the War Office and Major-General Boxer, or the Judge Advocate-General, or other Law Officer of the Crown, upon the above subject.—(*The Earl of Longford.*)

**LORD NAPIER AND ETTRICK** bore testimony to the services of Mr. Hope, who had received the thanks of the War Department. He was one of those to whom Mr. Hope had shown his invention, and he entertained no doubt that the "Boxer Shrapnell" was substantially the same. Mr. Hope's invention had been adopted by many foreign States, who looked upon it as one of the most effective instruments of war; and he trusted Mr. Hope would receive recognition in his own country.

**THE MARQUESS OF LANSDOWNE** said, the War Office had no objection to the production of such Papers as the De-

partment had in its possession. He was not aware of the existence of any letters addressed to the Judge Advocate General or other Law Officers of the Crown on the subject. He thought their Lordships would agree with him that until the Papers were on the Table of the House he should refrain from entering into this very intricate matter.

Then, the latter part of the Motion being withdrawn,

*Address agreed to.*

#### THE IRISH MILITIA—QUESTION.

**LORD DUNSANY** asked, Whether it is true that two non-commissioned officers of the South Cork Militia had been brought before a court-martial for imputed complicity with a traitorous association in Ireland in an attempt to steal the arms of the regiment for the use of such traitorous association; whether Her Majesty's Government have adopted means other than the reports of commanding officers, to ascertain how far a spirit of disloyalty as evinced by such acts may extend through the same or other regiments of militia; and whether with respect to military offenders sentenced for breaches of military allegiance Her Majesty's Ministers are prepared to leave them to military law, or to consider that the fact of complicity with a treasonable conspiracy gives a political character to such offences entitling the culprit to lenient treatment as "political prisoners?"

**THE MARQUESS OF LANSDOWNE**, in reply to the first Question of the noble Lord, said, it was quite true that two non-commissioned officers of the South Cork Militia had been tried and convicted for complicity in a robbery of arms, and being convicted, had been sentenced to the maximum period of imprisonment with a full proportion of solitary confinement. He thought the noble Lord would have done well had he abstained from placing on the Paper his second Question, requesting to know what special means had been adopted to ascertain how far a spirit of disloyalty, as was evinced by acts of arms stealing, extended itself through Irish Militia regiments. If special means were adopted by Government for the repression of crime, he thought it not at all for the public interest that those means should be described in a debate in Parliament.

LORD DUNSANY said, the noble Marquess had no right to put such an interpretation on his Question. He had not in any portion of his Question asked that what special means were had recourse to should be disclosed. All he had asked was whether other than the Reports of commanding officers were relied upon to ascertain how far such disloyalty as he had drawn attention to prevailed in either the South Cork or any other Irish Militia regiment?

THE MARQUESS OF LANSDOWNE said, that the Question seemed to him capable of the inference which he had drawn from it, and he left it to others to determine whether that inference was not correct. With reference to the third Question—namely, whether the authorities were prepared to leave military offenders sentenced for breaches of military allegiance to the military law, or to consider that the fact that complicity with a treasonable conspiracy gave a political character to such offences entitling the culprits to lenient treatment as political prisoners—all he could say was that if the noble Lord had paid the same attention to this subject as he usually did to passing events relating to Ireland, he might have noticed that the refusal of the Government to mitigate the punishment which some of the Fenian convicts were now undergoing had been justified on the ground that the offences of which they were convicted were committed while they were serving in the Army.

PUBLIC RECORDS (IRELAND) ACT

AMENDMENT BILL—(No. 209.)

(*The Lord O'Hagan.*)

SECOND READING.

Order of the Day for the Second Reading read.

LORD O'HAGAN, in moving that the Bill be now read the second time, said, that its object was to provide for the custody and preservation of the records of the Disestablished Church in Ireland. Before the disestablishment—the registries of baptisms, marriages, and burials, and other Church documents were in the care and under the control of the Church officers; but since that time they had been under the care of several persons, and many were kept in unfit and unsafe buildings. The Bill therefore provided that those records should be placed in the custody of the Master of the Rolls in

Ireland, and should be removed as soon as practicable to the Irish Record Office. In order to obviate any inconvenience that might arise from this transfer the Bill provided that a certified copy of every record should be sent to the officer who, but for the passing of this Bill would have had the custody of the original; which transcripts would be received in evidence without further proof. He might add that the Church Body had passed a resolution in favour of this disposition of the Church records.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Monday* next.

REVISING BARRISTERS BILL—(No. 218.)

(*The Lord Cairns.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Suitable places to be secured for revision courts).

THE MARQUESS OF BATH said, that the clause provided that the clerks of the peace for counties or the town clerks of boroughs should provide a suitable room for the Revising Barrister to hold his courts, and that the expense of such hiring should be reimbursed as part of his expenses in carrying out the Registration Acts. The effect of this would be to throw, directly or indirectly, upon the rates a burden which the 6 & 7 Vict. imposed upon the Treasury. True, the burden would not be a heavy one; but it was the accumulation of these small burdens which had led to the agitation on the subject of local taxation all over the country. He therefore moved the omission of the clause.

Moved, "To leave out Clause 4."—(*The Marquess of Bath.*)

LORD CAIRNS admitted that a new charge would be imposed by the clause upon the local rates, and that the latitude given to the clerk of the peace might give rise to considerable expenditure in the hire, without sufficient check, of rooms for the purposes of the revision courts. He would therefore consent to omit the clause.

Motion *agreed to*; clause struck out.

Remaining clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Monday* next; and Bill to be printed, as amended. (No. 244.)

*The Marquess of Lansdowne*

## RATING (LIABILITY AND VALUE)

BILL—(No. 231.)

(The Earl of Kimberley.)

## SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, its object was to extend the liability to rating for purposes of local taxation to certain kinds of property not hitherto rated. This was the general scope of the Bill. No great question of principle was raised by it; but in order to explain the measure he should be obliged to trouble the House with some details which he feared would be very dry, but which he trusted he should be able to make very brief. The principal classes of property which the Bill proposed to render subject to local rating were—first, metalliferous mines; secondly, woods and plantations; thirdly, rights of sporting, when severed from the occupation of the soil; fourthly, some minor kinds of property used for the purposes of local government, which were not now subject to rates; fifthly, literary and scientific institutions; and, lastly, property belonging to the Government. With regard to mines, he might remind the House that under the present law relating to the subject—namely, 43rd of Elizabeth—only coal mines and quarries were rateable. The expression “coal mine” being used in a clause of that Act, it had been held on the principle *expressio unius exclusio est alterius*—that metalliferous mines were not included in the clause. The subject had been very often before Parliament, and the Local Assessment Committee, as some of their Lordships might remember, reported in 1860 that it was expedient that all mines should be assessed as coal mines are now assessed. Again, in 1866, a Committee of the House of Commons reported that there was no adequate ground for the distinction in respect of liability to rating between coal mines and quarries and other mines. It had, however, been represented by the owners of tin and copper mines that, owing to the fluctuations connected with the carrying on of those mines, it would be unjust—impracticable, in short—to treat them on the same principle as coal mines. It was, therefore, proposed by

the Bill to rate tin and copper mines upon the royalty. That principle had met with the general acquiescence of the owners of tin and copper mines throughout the country. As regarded other mines, which were not coal, or tin, or copper mines, the Bill would place them under the general provisions of the law under which coal mines were rated. It was estimated that at least £500,000 a-year would be made subject to rates by assessing these mines, and relief would thereby be given to the owners of other property throughout the country. He, therefore, hoped that part of the Bill would meet with the general acquiescence of their Lordships. With regard to woods, the Bill proposed to adopt a principle which had long obtained in Scotland, and to rate the land upon which woods and plantations were grown at the same value as the land would be rated if it were in a natural and unimproved state, and let for agricultural and grazing purposes, without any trees growing thereon. Where only saleable underwoods were grown, they were to be rated as if the land were let for that purpose. As to the rights of sporting, where the owner of land reserved to himself the right of sporting, it was reasonable to say that he should contribute whatever might be a just portion in respect of the value he derived from the land. Where the occupier himself had the right of sporting, there was no reason for dissociating the right of sporting from the land. The Bill proposed that in all cases the land should be rated as if the right of sporting was enjoyed by the occupier; but where the occupier did not enjoy that right, he would be entitled to deduct from the rent paid to the owner so much as he (the occupier) had to pay in the shape of rates upon that right. He should, perhaps, next notice that there was an exemption at the present time for literary and scientific institutions, but under certain conditions. Their Lordships were not to suppose that all literary and scientific institutions, without exception, took the benefit of the law as it now stood. As it happened the richest literary and scientific institutions escaped assessment, but those which were poor were rated; and for this reason—that in order to maintain themselves from year to year they were obliged to let some portion of their premises. He submitted, as a general

principle that it was not desirable that the exemption of literary and scientific institutions should continue. It amounted to nothing more nor less than this—that the ratepayers in a district where a literary and scientific institution might chance to be established had to contribute towards its maintenance. While fully admitting the usefulness of these institutions, he did not see why the labouring man should be called upon to contribute to their maintenance by paying additional rates. He trusted, therefore, that their Lordships would approve that portion of the Bill. The last and most important part of the measure was that which proposed to bring under assessment all Government property throughout the kingdom. This portion of the subject had been under the consideration of Parliament for a very long time. In 1858 a Select Committee of the House of Commons, of which Sir George Cornwall Lewis was Chairman, made an exhaustive inquiry into the whole system of local taxation, and their Report was to the effect that all property with the exception of that in the personal occupation of the Sovereign, religious buildings, and a few other minor exceptions, should be subject to assessment for the local rates and rates paid upon it accordingly. From that period the subject had been constantly discussed in and dealt with by Parliament. In 1859, under a Conservative Government, a Bill was brought in by Mr. Sotheron Estcourt for abolishing all exemptions whatever; but that measure was not proceeded with. In the following year—there having been a change of Government—it was thought expedient to proceed by way of Vote of the House of Commons in respect of the payment of rates for certain Government buildings, and the sum annually voted for that purpose, which was then £35,000, was now £63,000. In 1863, the Treasury announced that, in all future cases, the Government would be willing to pay rates for fresh property acquired by them on the assessment of the land before it came into the occupation of the Government. This Bill proposed to bring all Government property under the general assessment; and, in framing the Bill, the Government had been influenced by the decision in the Mersey Docks case, which took away the exemption from assessment which had previously attached to land used for docks and other works

of a public nature. Then arose the question in what manner this large amount of property was to be assessed. If this vast amount of property were to be thrown down before the local assessment committees to rate as they might think fit, the greatest confusion might arise, and it would be impossible to say what liability the Government would be making themselves responsible for. The Bill therefore provided that the Treasury, in connection with the local assessment committee, should draw up a scheme for the rating of all Government property, situate within their Union or parish, and that in case of it being found impossible to come to any arrangement on the subject the matter was to be referred to arbitration, as provided in the Land Clauses Consolidation Acts. The results of these arrangements were to be submitted to Parliament, and the schemes were only to have effect when confirmed by Parliament. The proposition was the result of considerable labour and consideration, and he saw no reason why, if carried into effect, it should not work fairly. He thought, on the whole, that their Lordships would see no reason for refusing to accept this part of the Bill. There was a clause in the Bill which proposed to make perpetual an exemption in favour of stock-in-trade, which had existed for 33 years, Parliament passing an annual measure to continue it. Theoretically, no doubt, no reason existed for exempting this class of property from rating; but experience had conclusively shown that an attempt to rate stock-in-trade was almost certain to meet with failure. The time had now arrived when Parliament should definitely make up its mind on this subject, and should sweep away this anomalous annual Act from the statute book by rendering the exemption of stock-in-trade perpetual.

He now came to inquire what possible objection there could be to this measure. He was aware that a noble Lord opposite (Lord Henniker) had given Notice of his intention to move that the Bill should be read a second time that day three months, and therefore he had carefully considered the nature of the objections that might be raised to the measure. The question of local taxation having excited considerable interest throughout the country, and the Government having announced that they would

deal with the whole question, it was not impossible that it might be urged against the Bill that, in dealing with the question of local rating alone, Her Majesty's Government had merely touched a small part of a great subject, and that it was better, therefore, to delay passing a measure of this kind until the subject of local taxation could be dealt with as a whole. It must be remembered, however, that the question of local taxation was a most complicated and difficult one. Attempts had been made more than once to deal with the subject as a whole;—his right hon. Friend the First Lord of the Admiralty had made such an attempt, but the experience obtained on that occasion was likely to make everyone chary of attempting so large a subject all at once. So many interests would be touched by any scheme, and so many questions raised, that it was scarcely to be hoped that any scheme on the whole subject, however well framed, would meet with the assent of Parliament. The subject of local taxation had many branches. In the first place, there was a strong desire on the part of those who owned property now subject to assessment that a large amount of wealth which existed in this country which was not derived from real property, and which was not now subject to be rated, should be made liable to assessment, and should so be made to contribute, in some degree, to local taxation. Unsuccessful schemes to effect this object had been repeatedly brought forward, and a former Lord Privy Seal had proposed that this should be effected by means of an income tax;—and there had been many other suggestions. He admitted the necessity of dealing with this branch of the subject; but when they attempted to deal with it, they could not confine themselves to the question of local taxation only—they must deal with it in connection with the whole taxation of the country. But he thought that this measure, however small a part of so large a subject, might be conveniently passed in the meantime. Another important branch of the subject was the improvement of our local government. He earnestly desired to see our local government so strengthened, and its powers enlarged, as to enable it to relieve the general government and Parliament from a large portion of the intolerable burden of business now cast

upon them; but, at the same time, he did not think that the passing of this Bill would in any way prejudice that question. They would find that they could not deal with local taxation without dealing with the question of local government; because the question of local taxation involved the questions of the boundaries of counties—boundaries of various kinds which governed the local taxation. But in order to deal with that question it was necessary to have an inquiry with respect to it. A Committee had accordingly been appointed to investigate that branch of the subject by the other House, and he hoped their labours would result in Parliament being in a position to consider the whole matter next Session.

He had now referred to three important branches of the subject. It seemed to him a natural preliminary to any dealing our system of local taxation that we should perfect the system which we already possessed, extending it where it required to be extended, and making it consistent in itself. That was what it was proposed by the Bill to do; and it was not inconsistent with, but was a necessary preliminary to, a larger scheme of local taxation.

An objection raised against the measure was, he believed, that it was not accompanied by an Assessment Bill. An Assessment Bill had, however, been introduced by the President of the Local Government Board into the other House, although it had not been proceeded with; and he saw no reason why, because the present system of assessment was not made perfect, the House should decide that it should not proceed in the direction proposed by the Bill. He would, moreover, beg to remind their Lordships that there had been very great improvements made of late years in assessment. He himself had had the charge of a Bill on the subject, and he recollects well that the whole question was in a state of the greatest confusion, and that assessments were made in different parishes without any arrangement among themselves. But since the establishment of assessment committees, although they might have turned out not to be on all points satisfactory, very considerable improvement in the system of assessment had, he was sure their Lordships would admit, been made throughout the country. He, at

the same time, admitted that further improvements were necessary, but they involved chiefly matters of detail. The present system of deductions was, no doubt, by no means satisfactory. Different committees established different scales of deductions, and it would probably be better to have some fixed scale, such as already existed under the Valuation (Metropolis) Act. He could, however, see in the existing state of things nothing which would render it undesirable that the House should proceed in the direction now proposed by the Government. In two most important cases—that of mines and Government property—the mode of assessment was distinctly laid down; and although it might be contended that in the cases of woods and sporting there might be difficulties in the way of the working of the measure, he must say that so far as woods were concerned, he saw no reason why a satisfactory conclusion as to the value of lands covered with woods should not be arrived at. As to sporting there might be complications with which the assessment committees might not find it easy to grapple, and there might possibly be conflicting opinions on the subject; but he could not help thinking that they would yield to experience in the working of the law. He had only to add that he was lost in astonishment at finding that a Notice for the rejection of the Bill should have proceeded from the other side of the House. It had been a matter of complaint year after year that the agricultural ratepayer did not obtain that relief which would be the result of bringing other kinds of property under assessment. Chambers of Agriculture throughout the country had urged the propriety of assessing woods and the right of sporting, while from the West of England a cry had been raised for the assessment of mines. Yet now it was to be contended that that outcry on the part of the ratepayers was to meet with no attention, and that the Bill ought to be thrown out, because they were not to obtain that further relief which they might expect to get hereafter. He should have thought that the Bill would be welcomed as clearing the way towards those other measures, and if it were rejected the effect would be that it would be supposed in many parts of the country that their Lordships were not really anxious

to relieve the agricultural districts of the burdens of which they complained.

*Moved*, "That the Bill be now read 2."  
—(*The Earl of Kimberley*.)

LORD HENNIKER said, he would have been extremely unwilling, as so poor an exponent of the view taken of this Bill by many besides himself outside as well as inside their Lordships' House, to raise any opposition to it, did he not believe that a plain, a short, and a simple statement would induce their Lordships to accede to the Motion with which he would conclude. He would be the last person to say the Bill did not contain many good and excellent provisions; it was not so much the provisions of the Bill to which he took particular exception as to the mode in which they were proposed to be carried out. The plan for rating woods and so on was by no means in itself unfair, but it was incomplete. The person who hired a wood simply for the sake of the underwood was liable to be rated for the timber, although underwood growing with timber was far less valuable than where there were few, if any, trees. It was open to the assessment committees to rate the occupier in a case of this sort, either for saleable underwood or for the wood as a plantation, and it was in practice, out of the question to suppose the assessment committee would take the lowest valuation. This would not be at all fair, for the lessee could not possibly have any interest in the timber, and might be rated for it without any claim upon the landlord for assistance. Then, in Kent and elsewhere, the Ecclesiastical Commissioners and other bodies let their estates, including woodlands, for leases on lives or a term of years, reserving the timber; in this case the lessee would pay the increased rates, and would have no power to claim assistance in paying them. Take also the case of copyhold lands; the owner, in many instances, could not cut trees without the permission of the lord of the manor, and, when sold, a third of the value belonged to him. This could easily have been provided for by a deduction of fine or quit rent. In rating game this injustice was fairly met. Then as to the rating of game—he did not object to the rules laid down, if game was to be rated; but the attempt to lay down rules for the guidance of the as-

essment committees, rather than lay down a broad rule upon which they could act in their own way as the cases came before them, would probably end in litigation and misunderstanding. It was not always a question as to any real difficulty in dealing with a subject of this sort; it was a great thing to avoid any imaginary difficulty. Nothing was more likely to lead to an imaginary difficulty than the rating of game. The rules in the Bill might appear plausible enough; but it was no easy matter to rate so moveable and varying an article fairly, and he thought it would have been far better to have trusted the local authority entirely, for they must be the best judges of each case as it came before them. Then, with respect to the rating of Government property, that was, no doubt, a popular policy; but what did the clauses dealing with the subject do? They made the property liable to rating on principle, but they by no means enacted that it should be so. It was necessary to bring in a Bill for every scheme agreed upon. Was it really necessary to bring in one Bill to enable the Government to bring in another? He thought not; but that was all that was done by the Bill. Surely, it would have been easier to have ascertained on what grounds an agreement could be made in one or two cases, and to have brought in a Bill or Bills, as necessity demanded, to really enact what was now only recited as a principle to be hereafter carried out. In this respect the Bill, in fact, did nothing practically. The system of arbitration appeared fair enough, but it was, to say the least of it, very extraordinary, for the umpire in certain cases was to be appointed by the Lord Chancellor, or any other noble and learned Lord who might fill that position! What did this amount to? The noble and learned Lord upon the Woolsack, with all his varied duties, so important to the country, could not be expected to choose the umpire himself in every dispute over the rating of Government property, and the result would be that some one would be recommended to him. Either party to the suit could ask for the appointment, but one party would have it entirely in their own hands to appoint whom they pleased. He was far from saying this would not be fairly carried out, but the proposed provision was

unique in this respect. Then, as to the rating of stock-in-trade. This was a Bill for the abolition of all exemptions, and here they had the perpetual exemption of stock-in-trade, refused by their Lordships' House on a former occasion. It was true it was necessary to bring in a Bill every year to exempt stock-in-trade; but of all places to choose to insert a clause of that kind that was the most extraordinary. It was done, too, in a roundabout manner; a few words would have embodied the enacting part of the measure and so made the Bill complete. The Bill said that no one should be rated in respect of his ability derived from his stock-in-trade. Upon this arose the question of what was stock-in-trade? Take machinery. It had been laid down by the Courts of Law that machinery bolted down to the ground was rateable. There would, perhaps, be a far larger and more valuable machine alongside of a smaller and less valuable one which required to be fixed in that way, while the larger one kept its place without anything of the kind. It was true it was impossible to rate stock-in-trade; but there would be no difficulty as to profitable machinery, and surely an Act of that kind ought to have been complete in that respect, for this was a Bill to do away with all exemptions, and the present state of the law was very unfair; yet the Bill left the matter just where it was before. Then why were Sunday and ragged schools exempted, and elementary and other schools to be rated? The only reason given was that the one class of schools had been exempted from rating before. There could be no sound argument in favour of that plan of proceeding. Sunday and ragged schools were only a certain proportion of the number of schools now existing in the country. Elementary schools were now one of the best institutions in the country, and either one thing or the other ought to have been done—they should either exempt all schools or rate them all. There was no profit attached to a school, as he knew full well, and it appeared to him they ought all to be exempted. However, he would not trouble their Lordships any further, for he thought he had proved the Bill required amendment. He would only call their attention to a dangerous precedent laid down in Clause 18, where the usual agreement was over-ridden, and the power of free

contract interfered with. It was usual for the lessee of a mine to contract in all cases to pay all rates and taxes which might be imposed by Parliament, except property tax, during the term of his lease; but here he was allowed to deduct one-half the amount he would have to pay under the Bill. That clause would, therefore, relieve the lessee at the expense of the lessor from charges which he had deliberately taken upon himself—except, of course, as far as coal mines were concerned. That was a most objectionable principle, and ought not to be adopted without consideration, at all events. The Bill was hardly to be recognized now when compared with its original shape. No doubt, many Bills had been brought into the House of Commons almost as a blank sheet, and had come out of it very useful Acts of Parliament; but if a Bill was passed in that way, sufficient time must be given for its full consideration and for every necessary Amendment. How much time, however, was given to their Lordships? They were told on good authority that next Wednesday was to be the very last Wednesday of the Session. But was that Bill one of the kind which he had described? It was brought in with all the ceremony of a Government measure, and he had the authority of the noble Lord the Chief Secretary for Ireland, who at the now well-known Nottingham Dinner spoke with pride of that measure as one of those which would make that Session compare by no means unfavourably, as far as important Government measures went, with former Sessions. But this measure was more important still, for it was brought in to redeem a pledge, given after a defeat in the House of Commons; and let them look at it for a moment in that aspect. A Motion was carried by Sir Massey Lopes by a majority of 100, which, whatever its wording might have been, was intended to say that local rates were now burdened with charges which ought to be borne by the Imperial Exchequer, and it asked that relief might be given in that respect; although no injustice was complained of where really local burdens were concerned. How had that pledge been redeemed? Three Bills had been brought into the House of Commons; two of them had been withdrawn; and that one, the third, was only printed on May 7, and brought

to their Lordships' House on July 22. That Bill was no doubt good in most of its principles, if there had only been a complete plan for dealing with a great question, such as local taxation. The three Bills, they were told, touched only the fringe of the question—in fact, were to pave the way only. Two-thirds of the foundation, however, was gone, and all they had was this Bill—which required amendment—with one of its most important provisions enacting nothing, but merely enabling other Bills to be brought in at some future time to rate Government property. He objected to that piecemeal mode of dealing with a question of that kind—one of no small importance. The necessary measures could have been brought in by degrees, but surely some general and complete plan ought to have been placed before them. Their Lordships were asked at the very last moment of the Session to consider a Bill acknowledged by Her Majesty's Government to be of very great importance, and to redeem a pledge given on more than one occasion. He trusted their Lordships would not consent to read the Bill a second time at a period in the Session when it was quite impossible to put it into a proper shape—such a shape as a foundation for a great measure, at all events, should take before it went out from their Lordships' House. There was a precedent to show that a Bill of this kind was beyond their Lordships' power to amend. In 1840 a Bill for exempting stock-in-trade from rating, to which he had before referred, was brought up from the House of Commons. Objections were taken to it; but it could not be amended. It was withdrawn, and at the last moment of the Session a similar Bill was brought in with its faults corrected, passed through all its stages in one night in the House of Commons, and passed through their Lordships' House without debate. He did not know whether that precedent applied in this case, but if it did it strengthened his argument considerably. They had been told by the noble Earl opposite (the Earl of Kimberley), that night, and they would often, no doubt, be told again, if they did not pass this Bill they would stop all re-adjustment of local taxation; but he would put it to their Lordships whether, after all the discussions there had been on the subject, when the principle was as good as

*Lord Henricke*

accepted, the Government could not easily, during the Recess, remodel the Bill, so that it might pass in a proper shape early in the next Session, and allow them to bring forward any other measures which might be necessary? However, he trusted their Lordships would reject the Bill, because of the lateness of the period of the Session, the impossibility of putting the Bill into a proper shape, and on the ground that the Bill, which professed to deal with a great question, only did what might now be done in a few weeks at the commencement of the next Session. He moved that the Bill be read a second time that day three months.

*Amendment moved, to leave out ("now") and insert ("this day three months.")—(The Lord Henniker.)*

THE EARL OF MORLEY said, he had expected to hear some more conclusive arguments than had just been urged to induce their Lordships to reject that Bill, and certainly, in their absence, there was ample reason why their Lordships should give it a second reading. He would endeavour to answer some of the objections raised by the noble Lord who had moved the Amendment. As to the clause relating to woods, the noble Lord had brought forward certain objections which he confessed seemed to have some force; but he might observe that when Parliament was imposing taxation on other occasions—he might instance the Union Chargeability Act and the school rate—it was not so careful of the interests of the occupier as to enable him to deduct from the owner of the property. Then, with regard to copyholders, he was informed that the copyholder could refuse to let the lord come upon the land to cut timber unless he paid some portion of the rate. The noble Lord (Lord Henniker) had urged that there would be extreme difficulty in working the provisions referring to the rateability of woods; but he would ask those of their Lordships who lived in Scotland or in Ireland whether that difficulty existed there? Further, in many parts of England woods were rated to the poor by local Acts. The present Bill followed almost the identical method employed in dealing with woods and plantations in Scotland—namely, assessing the ground in its natural and unimproved state; those words making it

clear that no capital was to be expended on the land, but that it was to be precisely in the position in which it would be if the trees were removed. In many cases the woods would be on land which was not of the best quality—for instance, on hill-sides. The exemption of woods was unfair in principle and unjust to the ratepayers not possessing woods. As to game, the noble Lord had argued as if the Bill proposed to rate the game itself, which was not the case; what was to be rated was simply the right of sporting, which was a very different matter. This was already the case when it was not severed from the occupation; and it was unfair to exempt it when severed from it, for the preservation of game diminished the rent of the farm, so that the district was mulcted of a portion of the rent on which the farmer would be rated. He apprehended no difficulty in assessing the right of sporting when reserved by the landlord, or when let to a person other than the tenant. With regard to Government property, the noble Lord was mistaken as to the manner in which the umpire was to be appointed—he stated that the umpire who was to decide in the case of a dispute between the Treasury and the assessment committee was to be appointed by the Lord Chancellor. [Lord HENNIKER: In certain cases.] He (the Earl of Morley) did not hear that limitation. The umpire was to be appointed by the Lord Chancellor on the application of one of the parties to the arbitration. It was out of the question to leave the assessment entirely to the assessment committee, owing to the variety of purposes to which such property was devoted. The full rating value obviously could not be placed on the Royal Parks. No fairer plan could have been devised of settling the relative claims of the localities and the Government. He agreed with the noble Lord in regretting the exemption of ragged schools; that was not so in the Bill as originally brought before the House of Commons, and he agreed with the noble Lord in regretting that the exemption should have been inserted; but the feeling of the House of Commons was so strong upon the subject that it was impossible to avoid yielding to it. The fault, therefore, did not rest with the Government, who had been obliged to abandon their original pro-

posal. The exemption, moreover, was not to be absolute, but permissive—it was left to the discretion of the assessment committees to exempt them or not, so that it was not so important a matter as the noble Lord seemed to suppose. With regard to the rating of mines, there could be no doubt that Clause 18 did to a certain extent override existing contracts. But every mine-owner and occupier had agreed to it—not a single person had petitioned or remonstrated against it. Hitherto metalliferous mines had been excluded from rating; but as their value had been estimated at £11,000,000, it would be admitted that the question whether they should continue to be exempted from rating was a very important one. It had been decided to rate them. But tin and copper mines would be rated on a different principle from mines of coal and iron. There were characteristic differences—tin and copper running in lodes of various degrees of productiveness, and the mining being so speculative that one year there might be a rich mass of ore and another year nothing worth washing, the Bill proposed to rate metalliferous mines on the royalty, representing a percentage of the produce; all other mines would continue to be rated on the rental. The Bill did not deal with machinery not affixed to the freehold, that not being germane to it; besides which it would be difficult to exclude furniture if machinery were rated. The exemption of stock-in-trade would be rendered permanent, and rules were laid down for the assessment of corporeal hereditaments. The measure did not pretend to be one of great dimensions, but it was one of practical utility, rendering justice to the classes of property now rated, while it was an indispensable preliminary to the great scheme as to local taxation to which the Government were pledged. It was most inconsistent for the Opposition, who had loudly complained that the present taxpayers were overburdened, to obstruct a Bill which would materially alleviate the burden. Not only did it extend the area of taxation, but by the admission of Government property it assisted local taxation out of Imperial funds, though not as largely as the noble Lord desired. All classes in Cornwall—agriculturists, miners, and assessment committees—

were favourable to the scheme, and failing more weighty arguments than those of the noble Lord, it ought not to be rejected.

THE EARL OF SELKIRK opposed the Bill on the ground that the principle of rating on which it was based weighed unequally on different kinds of property and most unfairly on the land. The assessing of underwoods was a great grievance, and would operate very unjustly. He thought it unjust to assess unproductive land, while machinery was unassessed. There was no difficulty in ascertaining the value of the latter, which was perpetually returning its cost.

THE MARQUESS OF SALISBURY said, the noble Earl who represented the Home Department in their Lordships' House (the Earl of Morley), had informed them with great emphasis that the provision in the Bill with respect to the rating of mines had been consented to by every mine-owner in the country; but the fact seemed to be that the mine-owners had simply refrained from petitioning Parliament against the proposal. He anticipated that the same remark applied to the support which was said to have been extended to the Bill by the Chambers of Agriculture. And he was not surprised at the fact in either case, because the measure had been so altered, clipped, and transmogrified in its progress through the House of Commons that it was next to impossible for any one not actually present at, and listening carefully to, the discussions, to know what had been done, until after the measure had passed through the House. [The Earl of KEMERLEY said, the main provisions of the Bill had not been altered.] He could not rely upon the general consent which was alleged to have been accorded to the Bill, and the speeches delivered that evening had rendered him yet more apprehensive than he was before with regard to the measures, and more desirous that it should not pass into law. One of the main reasons which had been urged in support of the Bill was that it would place a large discretionary power in the hands of the assessment committees; but this he regarded as a strong reason against the Bill, inasmuch as to throw down an ill-considered and ill-understood law for their administration, would have the effect of fomenting litigation among a

class with a strong natural tendency in that direction. Another great argument in support of the Bill was that it was preliminary to some great scheme of dealing with the question of local taxation which the Government had in contemplation. He, for one, objected strongly to piecemeal legislation on a great question like this, and ventured to urge that before they consented to clear the way for the Government scheme they ought to see it. He believed it was General Trochu who had always got a plan, but nobody ever saw it. Again, it was said that the measure would afford relief to the land-owning class, who alleged that from various causes, historical, financial, and otherwise, they had up to now borne burdens which had been unjustly laid upon their shoulders. But it would simply give them relief by shifting the burden from one shoulder to the other, which was practically no relief at all. It was because of the fragmentary nature of the Bill, the late period of the Session at which it was introduced in the House of Commons, and the fact that it was full of conditions and obligations to which they objected, but which, if they attempted to amend them, would land them in the middle of a squabble on the question of Privilege, that he advised their Lordships for the sake of uniformity in their legislation to reject the Bill.

EARL GRANVILLE reminded their Lordships that in a remarkable speech the other day the noble Marquess who had just sat down said, there was a great decrease of the working power and the wish for work in their Lordships' House. But what had happened that evening? The only speeches, with the single exception of that of the noble Marquess, which had been directed against the Bill, had been expressions of opinion as to points of detail which would have been appropriate in Committee, but were out of place on a question of second reading. Even the noble Lord who moved the rejection of the Bill, expressed his approval of its principle, and objected only to the provisions by which it was to be carried out. The noble Marquess, on the other hand, made sweeping objections to the Bill; one of which was that it was introduced very late in the House of Commons. In answer to this he would remind the House that the House of Commons spent at

least a dozen sittings in elaborating the Bill, and that hon. Members of that House representing every one of the interests which could be affected by the measure worked most strenuously to bring it into the shape they thought most desirable. And now their Lordships, who were present in sufficient numbers to thoroughly discuss the principles contained in the Bill, proposed, after two or three short speeches, to reject the measure in a manner which, he was perfectly sure, the country at large would most deeply regret.

THE DUKE OF RICHMOND said, he should not have taken part in the discussion but for the manner in which the noble Earl (Earl Granville) had taken their Lordships to task for proposing to reject the Bill before the House. To the statement of the noble Earl that the House of Commons spent many nights in bringing the Bill to its present shape, he only desired to add that great differences of opinion existed with regard to its provisions up to the time at which it left the other House. All he could say was when a Bill came up to their Lordships' House in such a state as this was, and at so late a period of the Session, it was their duty to reject it. He doubted if his noble Friend himself had had sufficient time to study the Bill; and he ventured to doubt whether he would tell their Lordships that they might amend the Bill as they thought fit—for he apprehended that there were a number of clauses which their Lordships could not amend:—and that being so, it would be far better that their Lordships should reject the Bill. His noble Friend (the Earl of Kimberley) remarked at the close of his speech, in anticipating objections, that the Bill formed part of a very large scheme, and was only a fragmentary portion of the scheme. If he wanted a reason for rejecting the Bill it would not be easy to find a more cogent one. His noble Friend also stated that a Committee was sitting on the question of boundaries, though their Report had not yet been laid before the House, and that this very important point must be dealt with in connection with the rating question. Here again was sufficient ground for the rejection of the Bill. But another measure was so mixed up with the question of rating that the Government thought it necessary to deal with it—he meant the As-

essment Bill, with which the Government had not proceeded. The absence of such a measure was another powerful reason against sanctioning the Bill now before their Lordships. No doubt some assessment committees did their work well, but there were large numbers of these committees which came to very different conclusions upon the same points. The carrying out of the Bill was put entirely into their hands, and that was a great objection to it. There was also great inconsistency in exempting certain classes of educational institutions and rating others; and though the exemption of ragged schools was not in the Bill as originally introduced, that was not the fault of their Lordships, who must necessarily deal with the measure as it was placed before them. Another clause, Clause 18, relating to mines, was open to great objection. It introduced the thin end of the wedge by overriding contracts; and if sanctioned now by their Lordships the precedent would certainly be quoted against them hereafter. Much had been said of the advantage to the public which would be gained by the assessment for the first time of Government property; but on reading Clause 10 it seemed to him that the question whether Government property was hereafter to be rated or not would be entirely in the hands of the Government themselves. Under the clause the Treasury were to cause to be prepared, and as soon as possible laid before the House of Commons, a scheme or schemes specifying the Government hereditaments in the various parishes "which, in their opinion, ought to be included in the valuation lists for the purposes of this section." So that Government property would only be rated if the Government themselves thought it ought to be rated; and what, then, became of the boon which was supposed to be offered to the ratepayers in this way? Believing that the Bill dealt with the mere fringe of a very large question, that the limited questions which were so dealt with were not treated in a satisfactory manner, and that it was impossible for their Lordships now to deal in detail with certain portions of the measure, he should give his vote against the second reading.

VISCOUNT HALIFAX said, that if the arguments which had been used against the Bill were to prevail, he saw no prospect of dealing with this question at

any time. He submitted that the proper method of proceeding was to clear the way for the greater scheme by a measure like the present. It was difficult in any other way for the Government to redeem their pledge to relieve local ratepayers of some portion of the burden which now pressed upon them. The Bill would give a real and substantial relief to the ratepayers of the country. As to Clause 10, relating to the rating of Government property, the noble Duke seemed to think that it rested with the Government itself to say what should be rated and what not. That was entirely a mistake. The clause provided that the rates shall be payable upon the rateable value of all Government property as shall be included in a valuation list for the time being in force, under the Valuation (Metropolis) Act, 1869, and other assessment Acts. It was to be rated like other property. As to the local assessment committees, he had some experience of their working, and believed that there would be no difficulty in carrying out the Bill through them. There was, indeed, no choice in the matter; they must be trusted to a very great extent in carrying out such a measure. As to the 18th clause, it only did that which had been done before in many cases.

THE DUKE OF RUTLAND said, the speeches that had been made on his side of the House were quite sufficient to convince him that he ought to vote in favour of the Amendment of his noble Friend. The Bill proposed to rate the right of shooting. He wanted to know how it was possible to estimate the value of a "right?"

THE EARL OF KIMBERLEY said, he had to apologize for interrupting the observation of the noble Marquess that no alteration had been made in the mining clauses of the Bill. Immediately after that interruption he recollects that the words with reference to tin and copper mines were inserted in the Bill after it was introduced into the other House. With reference to what had been said as to over-riding contracts in connection with the 18th clause, he would make this observation—that virtually a breach of contract between a lessor and lessee was committed when an Act of Parliament threw upon the lessee the whole of a burden which ought to be shared between the lessor and the lessee.

Instead of the 18th clause proposing to authorize breaches of contract, it seemed to him to be an attempt to apportion fairly between two parties—lessor and lessee—a new rate which Parliament thought fit to impose. He contended that their Lordships ought to agree to the second reading, and to go into Committee on this Bill, where they might strike out such portions as they deemed objectionable, and pass the other portions of it which were admitted to be valuable.

**LORD CAIRNS** said, the 18th clause would justify a breach of contract in this way—where a tenant of a mine had contracted with his landlord that he would clear him of all rates that were imposed or might be imposed, this clause would enable that tenant, in breach of his contract, to throw half of a rate on his landlord.

On Question, that ("now") stand part of the Motion? Their Lordships divided:—Contents 43; Not-Contents 59: Majority 16.

*Resolved in the Negative;* and Bill to be read 2<sup>d</sup> this day three months.

#### CONTENTS.

Selborne, L. (L. Chancellor.)	Ettrick, L. (L. Napier.)
	Foxford, L. (E. Lumsden.)
Saint Albans, D.	Gwydir, L.
Ailesbury, M.	Hammer, L.
Lansdowne, M.	Hatherley, L.
Ripon, M.	Hatherton, L.
Arlie, E.	Houghton, L.
Camperdown, E.	Kenmare, L. (E. Kenmare.)
Chichester, E.	Kenry, L. (E. Dunraven and Mount-Earl.)
Devon, E.	Methuen, L.
Granville, E.	Monson, L.
Kimberley, E.	O'Hagan, L.
Morley, E.	Poltimore, L. [Teller.]
Canterbury, V.	Ponsonby, L. (E. Bessborough.)
Falmouth, V.	Robartes, L.
Halifax, V.	Somerton, L. (E. Norreman.)
Sydney, V.	Stafford, L.
Acton, L.	Sundridge, L. (D. Argyll.)
Boyle, L. (E. Cork and Orrery.) [Teller.]	Truro, L.
Carbery, L.	Ventry, L.
Castletown, L.	Waveney, L.
Elliot, L.	Wrotteley, L.

#### NOT-CONTENTS.

Buckingham and Chandos, D.	Bath, M.
Richmond, D.	Bristol, M.
Rutland, D.	Hertford, M.
Wellington, D.	Salisbury, M.

Abergavenny, E.	Bagot, L.
Amherst, E.	Boston, L.
Bantry, E.	Brancapeth, L. ( <i>V. Boyne.</i> )
Bathurst, E.	Cairns, L.
Beauchamp, E.	Clinton, L.
Brownlow, E.	Cloncurry, L.
Dartmouth, E.	Colchester, L.
Denbigh, E.	Colonsay, L.
Derby, E.	Denman, L.
Doncaster, E. (D. Boscawen and Queenberry.)	De Saumarez, L.
Faversham, E.	Ellenborough, L.
Gainsborough, E.	Fitzwalter, L.
Leven and Melville, E.	Hartismere, L. ( <i>L. Henniker.</i> ) [Teller.]
Lonsdale, E.	Leconfield, L.
Manvers, E.	Penrhyn, L.
Powis, E.	Raglan, L.
Rosse, E.	Redesdale, L.
Rosslyn, E.	Saltoun, L.
Selkirk, E.	Sondes, L.
Verulam, E.	Stanley of Alderley, L.
Clancarty, V. (E. Clancarty.)	St. John of Bletso, L.
De Vesey, V.	Strathspey, L. ( <i>E. Seafeld.</i> )
Hawarden, V. [Teller.]	Thurlow, L.
Strathallan, V.	Wigan, L. ( <i>E. Crawford and Balcarres.</i> )
Abinger, L.	Wynford, L.
Aveland, L.	

House adjourned at a quarter past Nine o'clock, to Monday next, Eleven o'clock.

#### HOUSE OF COMMONS,

Friday, 25th July, 1873.

MINUTES.]—NEW WRITS ISSUED—For Greenwich, v. Sir David Salomons, baronet, deceased; for Dundee, v. George Armitstead, esquire, Chiltern Hundreds.

SELECT COMMITTEES—Report—Civil Services Expenditure [No. 352]; Contagious Diseases (Animals) [No. 353].

SUPPLY—considered in Committee—Committee R.P.

PUBLIC BILLS—Ordered—First Reading—Royal Naval Artillery Volunteer Force\* [264]; Sanitary Act (1866) Amendment (Ireland)\* [266]; Four Courts Marshalsea (Dublin)\* [265].

Second Reading—Local Rates and Taxes (Scotland)\* [266]; Constabulary Force (Ireland)\* [257]; Gas and Water Works Facilities Act (1870) Amendment\* [252].

Committee—Report—Crown Private Estates [222]; Defence Acts Amendment\* [255]; Merchant Shipping Acts Amendment (re-comm.) [253]; Public Schools (Eton College Property)\* [261].

Considered as amended—Conspiracy Law Amendment [190-263]; Endowed Schools Act (1869) Amendment [207].

Third Reading—Elementary Education Act (1870) Amendment, &c. [245]; Slave Trade (East African Courts)\* [236]; Langbaugh Coroners\* [242], and passed.

Withdrawn—Rating Liability (Ireland)\* [246].

The House met at Two of the clock.

**CRIMINAL LAW—SELF-MUTILATIONS  
IN CHATHAM CONVICT PRISON.**

QUESTION.

MR. R. N. FOWLER asked the Secretary of State for the Home Department, Whether any effectual measures have now been taken; and, if so, of what nature, with a view to diminish the large number of serious accidents and self-mutilations recently reported from Chatham Convict Prison?

MR. BRUCE: Sir, considering the humane and considerate disposition of the hon. Member, I was very much surprised not to receive any Notice of this Question till I saw it this morning in the Paper. I immediately wrote to the Directors of Convict Prisons, and have been furnished with the following Memorandum on the subject of the Question, which, as it contains important information, I will read to the hon. Member. It is dated the 25th of July, and states that very minute and careful inquiries have been made into the subject of the self-mutilations at Chatham Prison, with a view to ascertaining whether they could be ascribed to anything in the treatment or management of the prisoners which called for correction. It is probable that some exaggerated ideas have arisen from the application of the word "mutilation," which conveys the idea of some permanent loss of limb or other injury, to cases of a very much slighter character, to which the word "contusion" would more properly apply. The following is an extract from the Report of the Medical Officer for the year ending December, 1872:—

"Contusions and injuries have been reduced from 487 to 358; of the fractures 27 have been purposely produced, 16 requiring immediate amputation. The amputations altogether amounted to 34, which were successful with one exception, when the prisoner died on the eighth day from gangrene of the leg above the amputation. Of the 358 injuries above mentioned, 163 were wilful; all terminated favourably, though some were attended with danger to life from the extensive inflammation which followed. Of the 163 cases of wilful injury during the year, 101 were the creation of sores and the introduction of foreign bodies under the skin, and 62 were actual mutilation or attempted mutilation. Of the 62, there were 36 during the first half of the year, and only 26 during the latter half, thus showing a marked decrease in this description of injury; and of the total 62 cases the majority—namely, 43—were ineffectual, and only 9 can be described as really serious cases."

But during the last few months the practice of self-mutilations has so decreased as to have almost entirely disappeared. In fact, since the 15th of March, there have been only four cases of mutilation, and four of contusions producing no permanent injury, and only one since the 10th of May. There can be no doubt that a very large proportion of these acts are committed for the purpose of evading labour; and only those who are familiar with this class of men are aware of the extent to which malingering to avoid work or service is carried. In the Army it is equally common; and an epidemic of this sort once prevailed in the French Army. Self-infliction of injuries is merely one form of malingering which, in recent years, seems to have become the vogue among the convicts at Chatham. The steps taken to put an end to these practices have been—(1), to remove from the men any facilities for committing the acts which were most common—namely, producing fractures or contusions with the trucks or engines; (2), letting it be clearly understood that severe punishment would follow any such acts; and (3), pointing out clearly and considerably to those who had suffered from them the uselessness, and, at the same time, the unreasonableness, of what they had done. The result of these steps has been that acts of this kind have now become rare, and persistence in the same course will, it is believed, put an end to it almost entirely.

**PUBLIC WORKS LOANS—ENGLAND  
AND IRELAND—QUESTION.**

MR. DELAHUNTY asked Mr. Chancellor of the Exchequer, after referring to the last annual Report of the Local Government Board of England, wherein at page 49 it is stated that the Board sanctioned loans for sanitary purposes, from the 19th of August 1871, to the 31st of December 1871, amounting to £267,562, and from the 31st of December 1871, to the 31st of December 1872, to £602,271, making a total of £869,833; whether he will still adhere to his statement that the total amount of sanitary loans sanctioned in England during the said period was only £8,698; and, after referring to the annual Report of the Commissioners of Public Works in Ireland issued last month, wherein it is

stated at page 7 that the Treasury sanctioned a loan of £50,000 to be made by them, the said Commissioners, out of the Public Works Loan Fund of Ireland, to the Waterford Corporation for water supply, whether he will still adhere to his statement that the loan was to be made by the Public Works Loan Commissioners of England?

**MR. BAXTER:** Sir, my right hon. Friend the Chancellor of the Exchequer has asked me to state, in reply to my hon. Friend's Question, that the amount of the loans sanctioned by the Local Government Board for sanitary purposes, from the 19th of August, 1871, to the 31st of December, 1872, was, as stated in the Question, £869,883. The great bulk, however, of that amount was advanced by public companies and private individuals, from whom, until the passing of the Public Health Act of last Session, local authorities could borrow on more advantageous terms than from the Public Works Loan Commissioners. The Question of yesterday referred to loans made by that Board with the sanction of the Treasury, and the amount so advanced was £8,389, as stated by the Chancellor of the Exchequer. My right hon. Friend, however, fell into a slight inaccuracy when he stated that the £50,000 loan to Waterford was made by the Public Works Loan Commissioners for England. It was made by the Irish Board, but the Treasury consulted the English Commissioners on the subject.

of strong feelings has led men to join it—when it is put down by the arm of the law, the individuals who were parties to it should be dealt with very leniently. But, Sir, I know no reason why single individuals who, without the apology of contagion, have endeavoured to bring about bloodshed, should be so dealt with. I look upon it as an abuse and morbid symptom of the feeling of the day to bring such a class into the category of political prisoners. I desire to gain no popularity founded upon any such supposed tendency, for, instead of entertaining such a feeling, I will always be the first to resist it. That is, I hope, a conclusive answer to the Question; and I am sorry that I cannot make any other answer. The offences of these unfortunate men were committed quite apart from Fenian offences. In point of time, these offences were committed and sentence was passed in 1870. They appear to have been part of a secret organization for distributing arms, and, if possible, laying the foundation for future revolution. In ordinary convictions for political offences we can positively and confidentially say that when once public excitement and hazard have passed away, it may be well to stretch a point on the side of mercy; but we are not able to do so in this case, and therefore I am not able to offer any encouragement to my hon. and learned Friend in reference to the Question he has put.

#### AMNESTY TO POLITICAL PRISONERS. QUESTION.

**MR. BUTT** asked the First Lord of the Treasury, Whether there is any objection to extend the amnesty already accorded to political prisoners to Davitt and Wilson, who were convicted of treason felony at the Central Criminal Court?

**MR. GLADSTONE:** I am sorry to say, Sir, that there is a strong and most conclusive reason, one which over-rides every other reason for not extending this amnesty to the men referred to, and for leading us to conclude that these men are not political prisoners at all in the sense in which indulgence might be extended to prisoners of that character. It is a sound principle of modern administration, that when there has been a convulsion in a country and a contagion

#### IRELAND—CORONER FOR MEATH. QUESTION.

**MR. J. MARTIN** asked the Chief Secretary for Ireland, Whether the county of Meath is not at present without any Coroner at all, and whether the office of Coroner for the lower division of that county has not been vacant ever since May 1871, and that of Coroner for the upper division of the same county ever since Spring 1872; whether the Grand Jury of Meath did not at Summer Assizes 1872 certify such vacancy to the Lord Chancellor of Ireland, and recommend that one Coroner should be elected for the entire county; whether certain justices of the peace of said county have not applied to the Lord Chancellor of Ireland through the clerk of the peace, asking for the writ of election for a Coroner; what is the average

number of Inquests held in the county per year for the last three years; whether there have not been in the county of Meath cases of sudden death, or other cases proper for inquest, since the county has ceased to have a Coroner, in which considerable delay and inconvenience have resulted from the difficulty of immediately obtaining the attendance of a sufficient number of justices of the peace to perform the service formerly rendered by Coroners; and, whether it is the intention of Her Majesty's Government that the old and important office of Coroner shall not again be filled up in the county of Meath?

THE MARQUESS OF HARTINGTON, in reply, said, he had obtained some information, although it was not complete, respecting the office of coroner for the county of Meath. That county was at present without any coroner at all; the office of coroner for the lower division of the county had been vacant since May, 1871, and that of coroner for the upper division since the Spring of 1872. At the Summer Assizes of 1872 the Grand Jury of Meath certified such vacancy to the Lord Chancellor of Ireland, and recommended that one coroner should be elected for the entire county. Certain justices of the peace for the county had applied for proceedings to be taken under the 9th & 10th *Vict.* for modifying the divisions of the county, and at a meeting of the magistrates, duly convened, a recommendation was made that the two districts should be united and one coroner appointed for the county. For some reason, however, which he had been unable to ascertain, no action was taken for some time in consequence of that recommendation; but not long ago a case was submitted to the Law Officers, who expressed their opinion that the action taken by the magistrates was illegal, as they had no power under the Act of uniting the two districts, although they could alter or subdivide them. Under those circumstances, warrants for the election of two coroners for the respective divisions of the county were issued, and he was informed they were now in possession of the clerk of the peace. No action had yet been taken upon them, and he was unable to explain why further delay had occurred. He would make further inquiry, and, as far as Government could

prevent it, would take care that there should be no more delay. He was obliged to admit that considerable inconvenience had resulted from the difficulty of immediately obtaining the attendance of a sufficient number of justices of the peace to perform the service formerly rendered by coroners.

#### CROWN PRIVATE ESTATES BILL—

(*Lords.*)—[BILL 222.]

(*Mr. Gladstone.*)

COMMITTEE.

Order for Committee read.

SIR CHARLES W. DILKE said, it was not his intention at that stage of the Bill to move the Resolution of which he had given Notice to the effect, that it would be undesirable to proceed with further legislation concerning the "private estates of the Crown," unless provision were made for the publication of accounts of the annual receipts and disbursements of such estates. He proposed, however, to bring forward a clause in Committee, and to divide the Committee on that clause.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Recited Act extended to manors, &c., devised by Her Majesty).

MR. DICKINSON rose to move as an Amendment, in page 2, line 36, at end, to add—

"and all laws applicable to wills and dispositions of private persons, and imposing probate, administration, legacy, and succession duties shall apply to wills and dispositions by or in favour of Her Majesty, her heirs and successors."

THE CHAIRMAN said, the hon. Member was precluded from moving the Amendment, inasmuch as it imposed a charge from which the Crown was at present exempt.

MR. DICKINSON contended that that objection did not hold good with regard to the real property of the Crown to which the Bill applied, if it did with regard to the personal. He would accordingly submit his Amendment in an altered form, declaring that the law should be applicable as regarded succession duties to wills and dispositions by or in favour of Her Majesty, her heirs, and successors.

THE SOLICITOR GENERAL said, the Amendment would impose a new tax on the Sovereign, without her permission or the previous permission of

that House, and it was clearly out of Order. If the old Act had imposed the duty, the declaration would be of no effect; but the Act did not impose any such, and it could not be extended by an Amendment of this character.

THE CHAIRMAN said, if the Amendment varied the law otherwise than he had mentioned—by consent of the Crown or of the House—it was not competent to the hon. Member to propose it.

MR. GLADSTONE suggested, independently of the other grounds named, that the Amendment would require the consent of the Crown if it affected the interests of the Crown.

MR. DICKINSON argued, that as that was a Bill to remove a doubt, and so to secure to the Crown certain property, which could not be at present regarded as secure, and in that way to augment its revenue, a restriction effecting an incidental charge upon that source of income which the Bill was necessary to secure could not be considered as imposing a new charge upon the Sovereign.

MR. GLADSTONE submitted there were three distinct grounds on which the Committee ought to decline to entertain the Amendment. The first was a ground upon which the hon. Member ought not to press it; it was not fair to the Promoters and the House to move an Amendment totally distinct from that of which Notice had been given. Upon a question of that kind, involving subtle argument, it was unfair to ask the House for a decision independently of Notice. On that account he hoped the hon. Member would not press the Amendment. Secondly, that was a matter affecting the permanent interests of the Crown, and the Motion proposed a charge which did not exist, and which could not be imposed without the consent of the Crown. Thirdly, irrespective altogether of the question on whom the charge would fall, it was a new charge, unless it were provided for already; and if it were provided for there was no occasion for the Amendment. If it was a new charge, the hon. Member could not proceed without a Resolution passed in Committee.

MR. D. DALRYMPLE suggested whether the discussion was not altogether somewhat irrelevant, and out of Order.

THE CHAIRMAN said, the alteration made in his Amendment did not re-

lieve the hon. Member from the difficulty in which he had placed himself. As the Amendment would affect the rights of the Crown, it would clearly require a Committee and the Royal Assent.

MR. DICKINSON thought the Committee was not being met in the spirit in which the House had met the Government in voting for the Bill. It was undesirable to place the Crown in respect of private property in a position different from that of private persons, and it might become a question, whether the Bill should not be opposed altogether.

MR. ANDERSON said, the object of the Amendment was good, for it would meet the difficulties about the secrecy of the Sovereign's disposition of property. He thought the hon. Member for Stroud had been unfairly treated, and the only course for those who thought so was to give the hon. Member an opportunity of putting himself in Order by delaying the progress of the Bill.

MR. MACFIE suggested that, after what had passed, it would be in the interests of the Crown if the Government were to consult the feeling of the Crown in the matter, and allow the Bill to drop for that Session.

*Amendment negatived.*

*Clause agreed to.*

*Clause 2 agreed to.*

Clause 3 (Section 11 of the Crown Private Estates Act 1862, extended to certain private estates of Her Majesty, &c.)

In reply to Sir CHARLES W. DILKE,

THE SOLICITOR GENERAL said, he was not aware of any express legal decision on the subject; but the most eminent lawyers had never doubted the right of the Crown to leave personality by will.

*Clause agreed to.*

*Clauses 4 and 5 agreed to.*

New Clause.

SIR CHARLES W. DILKE rose to move a new clause, to follow Clause 3, providing for the publication of accounts of the receipts and disbursements on account of the private estates of the Crown to be sent to the Treasury and laid before Parliament. The Prime Minister had said they were small, and

there was no immediate prospect of their becoming large; but if such a concession as the present were not made, they might become very large in a single day, without Parliament having any knowledge of the fact, unless accounts were published. Large legacies might be left to the Crown by persons desirous of notoriety, or wishing to see it independent of Parliamentary Votes, and the money might be invested in land to an enormous extent. If the estates of the Crown were to be treated as private estates, no doubt, it would be inconsistent to require the publication of accounts; but as the Amendment of the hon. Member for Stroud had fallen through, it was the more necessary to press for the publication of accounts respecting them—especially when the fact was remembered that they increased daily in value. They were published in the case of the Duchy of Lancaster, which at the beginning of the reign produced £8,000 a-year, and now £40,000 a-year. The annual publication of the accounts of the Duchy of Lancaster by the authority of Parliament was a case in point. The Prime Minister on a former stage of the Bill was understood to say, that if these private estates of the Crown became considerable, that ought to be considered in fixing the Civil List at the beginning of each reign. The advanced Liberals had often claimed that the estates of the Duchy of Lancaster should be regarded on the same footing as the other Crown lands; but that claim had always been resisted by the Ministry of the day. When Bolingbroke came to the Crown he brought the Duchy of Lancaster with him as his private estate. The Crown had always maintained the private character of the Duchy estates; but the income of the Duchy was annually published, and was taken into account as part of the income of the Crown on the accession of each Sovereign. The late Lord Derby asserted in the House of Lords that the revenues of the Duchy of Lancaster were as little the property of the public as were any of the estates of their Lordships, yet he gladly consented to the publication of the annual accounts of the Duchy. In the Civil List Act of George III., it was stated that His Majesty surrendered the revenue arising from the whole of the Crown estates, "except the revenues of the

Duchy of Cornwall." The Duchy of Lancaster was not named, yet it was held by Parliament and the Crown not to be included in the surrender. All he asked for was that accounts of the nature of the Duchy might be presented to Parliament yearly, and the clause which he had placed on the Paper was drawn up exactly in the words which applied to the Duchy of Lancaster, except that he would substitute the Keeper of the Privy Purse, who should render accounts to the Treasury for submission to Parliament, instead of the officer who performed that duty with respect to the Duchy. If, however, the Government preferred to name any officer of the Treasury he should not object, so long as the thing were done. He would conclude by moving the clause of which he had given Notice.

Clause (Accounts of receipts and disbursements to be sent to the Treasury and laid before Parliament,) — (*Sir Charles Dilke,*) — *brought up*, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. GLADSTONE thought that it was an improvement that that question was now being considered in Committee on its merits, but, having considered it on its merits, he could not find that it had any. The hon. Baronet the Member for Chelsea (*Sir Charles Dilke*) was under a mistake as to what he (*Mr. Gladstone*) said on the second reading of the Bill. He had not used the ambiguous word "considerable" in the reference made by the hon. Baronet. What he stated was that there was not the slightest probability that the private estates of the Crown would ever come to resemble those immense masses of property that were held by private individuals in that country, but that if they ever did come to resemble them, that would be the time for Parliament, on the accession of a new Sovereign, to take the subject into account. With regard to the Duchy of Lancaster, there was not the slightest analogy between that and Osborne or Balmoral, and the hon. Baronet's argument in that respect as to the publication of the accounts of the Duchy was altogether fallacious and irrelevant. That revenue had risen from £8,000 to £40,000 a-year, and the

hon. Baronet said that because that was so, the smaller properties of the Queen at the places before-mentioned might have made a similar increase. The hon. Baronet, however, knew no such increase could accrue for this reason—the possessions of the Duchy were large, varied, scattered, and held under different conditions, and the income had been carelessly administered for several generations. What analogy, therefore, would there be between such an estate and property purchased by the Crown at rack-rents and according to modern usages? He was not responsible for the declaration made by the late Lord Derby. Lord Derby's opinion was no doubt entitled to respect, but he declined to be held by it. The hon. Member had no right to quote that opinion and call upon the House to act in conformity with it, unless he was prepared to plant his foot and take his stand upon it. He (Mr. Gladstone) affirmed that there was no resemblance between the Duchy of Lancaster and the private estates which were the subject of the Bill; and it was a mere quibble of words to argue whether the Duchy of Lancaster was in the same sense, a private estate of the Crown. In many vital respects it differed most essentially from the private estates of the Crown. It had been subject to management under the statutes of the realm. It could only be managed by a responsible Minister, whom the hon. Gentleman might remove, if he had influence enough; and it was a large estate and likely to grow. The Duchy of Lancaster had long been brought within the scope of Parliamentary interposition, and it was accordingly most proper that its accounts should be matters of public cognizance. These private estates of the Crown, on the other hand, were purely private property. They were partly the result of thrift and providence, and arose partly from a bequest. Yes; one such bequest had happened in the whole history of this country. These matters could not call upon Parliament for its cognizance, unless they should swell to some considerable amount, and should form some considerable item or element in the power and influence of the Crown, when they might be taken into consideration about once in 20 years, or when a new Civil List had to be granted. The statutes of the land recognized the principle of private property by the Crown,

and this Act introduced no new principle in that respect. A doubt, however, had arisen as to whether that property could pass directly and by bequest to the succeeding Sovereign, and in connection with it, a more unhandsome, a more ungenerous use of an occasion given by accidental circumstances he could not conceive; and if it were attempted to make such a use against a railway company or a private individual who had occasion to come to Parliament, and to put upon him some stringent conditions utterly new to the law, the House, he was sure, would immediately reject the proposal.

MR. ANDERSON said, the hon. Baronet below the gangway (Sir Charles Dilke) did not draw any analogy between Osborne and the Duchy of Lancaster—the right hon. Gentleman drew it himself. The right hon. Gentleman put it as applying to Osborne. If the Crown were to accumulate £9,000,000 or £10,000,000, and were to purchase landed estates, would not the clause apply to that. If the hon. Member had intended to apply the clause to Osborne, the remarks of the right hon. Gentleman would have been fair enough, but not otherwise. The hon. Member proposed to do nothing but what Parliament ought to have done in the first Civil List. The fact was, the right hon. Gentleman had made a grievous mistake in bringing the Bill into the House at all, for there was nothing to be said in favour of the Act of 1862, of which the Bill was an Amendment. All the Bill intended to do was to amend a bad Act which passed through that House and the House of Lords without debate, in that extremely degenerate Palmerstonian era of Parliamentary existence. It was only in such an era that the Bill could have been passed without debate. The right hon. Gentleman in speaking of the conduct of hon. Member for Chelsea as unhandsome and ungenerous, was importing a personal character into the debate. [MR. GLADSTONE: I said the proceeding was so on the part of the House of Commons.] That means the House of Commons could attach a personal character. No one has the slightest idea of importing a personal character into this discussion, as against the Queen, whom they all reverenced and honoured. It was simply as against the Crown, not against the individual who occupied it.

If Parliament were to take the estates of the Sovereign on a new accession, it would be necessary for them to have the accounts before them, which the hon. Baronet proposed should be submitted to Parliament every year.

SIR W. CHARLES DILKE, in reply, said, he would be willing to accept words which would exempt from the operation of the clause lands at present held by Her Majesty at Balmoral and Osborne.

Question put.

The Committee divided:—Ayes 15; Noes 104: Majority 89.

House resumed.

Bill reported, without Amendment.

Motion made, and Question proposed, “That the Bill be read the third time upon Monday next.”—(Mr. Gladstone.)

Amendment proposed, to leave out the word “Monday,” in order to insert the word “Friday,”—(Mr. Dickinson,)—instead thereof.

Question, “That the word ‘Monday’ stand part of the Question,” put, and agreed to.

Main Question put, and agreed to.

Bill to be read the third time upon Monday next.

**ELEMENTARY EDUCATION ACT (1870)**  
**AMENDMENT, &c., BILL—[BILL 245.]**

(Mr. William Edward Forster, Mr. Secretary  
Bruce.)

**THIRD READING.**

Order for Third Reading read.

MR. SCOURFIELD said, he could not allow the measure to pass without entering his protest against the principle it embodied, in an inversion of the old rule of law with regard to the *onus probandi*. He objected that in certain cases parents should be obliged to prove that they were not offenders against the law before any evidence had been offered in support of the charge in respect of which they had been summoned. That was a bad and dangerous principle, and he hoped never to see it extended.

MR. BIRLEY hoped that the passing of the Bill would mark a great abatement—he could not hope for an entire cessation—of the political asperity which had arisen on the discussion of the question. The time had come when the efforts of all parties ought to be directed to making elementary education sound

and efficient, rather than treating it as a political and party question. With regard to the schools which the Nonconformists had founded for elementary education, he believed in all cases religious training had been combined with secular education, and certainly that was universally the case with respect to the schools of the British and Foreign Society which the Nonconformists had actively supported. He wished to make one or two remarks on a clause in the Bill to which much attention had not been devoted. The 13th clause was intended to give school boards the power to accept gifts for educational purposes, and in that he hoped he saw the germ of the future development of a somewhat higher class of education than had been general in the elementary schools. The Revised Code, though it had increased the quantity and in some respects the quality of education, had had the effect of diminishing the attention paid to the higher branches and to the more advanced scholars. There ought to be some system by which scholars distinguished by character and ability could pass into middle-class schools, and thence into such institutions as Owen’s College, Manchester. He knew that the Vice President of the Council was afraid that such a system might lead to expense which would not be justified. In his (Mr. Birley’s) opinion, there was no ground for such an apprehension. Private zeal would furnish what was necessary, and all that would be wanted from the Education Department would be some assistance in the way of organization and inspection. He congratulated the right hon. Gentleman on the result of his arduous labours. Whatever blemishes might be in the Bill, he still hoped it would have a good effect, and that numbers of children would be brought into the schools through its operation. He implored hon. Gentlemen opposite to put aside party dissensions, and to join with those on that (the Opposition) side in an honourable rivalry for the education of those poor children.

MR. CANDLISH said, that his right hon. Friend the Vice President of the Council had told the House more than once that the 25th clause of the Act of 1870 was adopted unanimously by the House. He did not believe in any imputations of unbecoming arrangements

Mr. Anderson

on the part of the Government with the other side of the House, to make the Bill acceptable to either party; but the fact was, there were not half-a-dozen Members on either side of the House who really understood in 1870 the meaning and effect of the clause, otherwise it never would have passed as it did *sub silentio*. His right hon. Friend gave it to be understood more than once that the 25th clause should be re-considered; but that had not been done, and his right hon. Friend, by the course which he had taken, had thrown elements of disturbance among the religious party of the country which would be felt in the coming school board elections, and in the Parliamentary elections, and would, he believed, result in a loss to the Liberal party. The necessity for the existence of the clause at all was very small, and he deeply lamented that the right hon. Gentleman had not proposed its withdrawal. The amendment of the Act of 1870, which had been looked forward to so wistfully, had ended in bitter disappointment; and his right hon. Friend would find that at the next election he would be compelled to have recourse to the Conservative party in order to secure his return for the borough of Bradford, as he had had recourse to their assistance in that House in order to maintain the 25th clause. The Vice President of the Council had on that question departed from the principles of his youth, and of his full-grown manhood—[“No, no!”]—hon. Gentlemen who said “no” should have read, as he (Mr. Candlish) had, the speeches of the right hon. Gentleman in his early life, at a time when the right hon. Gentleman's opinions were identical with his own. That had led him at one time to entertain the hope that the right hon. Gentleman would be the future leader of the great Liberal party. They had, however, been disappointed in the right hon. Gentleman; and he (Mr. Candlish) could not allow that occasion to pass without declaring his dissatisfaction at the course taken by the Government, and deplored the loss which in consequence would be sustained by the Liberal party.

MR. W. E. FORSTER said, the House would not expect any long discussion on that stage of the Bill. As to the objection of the hon. Member for Pembrokeshire (Mr. Scourfield), that the

*onus probandi* was thrown on the parent, he might remind him that the illustration which he gave ought to be satisfactory to his hon. Friend, for in the Factory Acts it was found absolutely necessary to throw the same burden of proof on the parent for the protection of the child. He was sorry the hon. Member for Sunderland (Mr. Candlish) had thought it necessary to make the remarks he had done. His hon. Friend could hardly have wished to convey the impression that he (Mr. Forster) on the part of the Government had acted differently from what he stated last year it would be his duty to do. His hon. Friend said that hopes were held out of the repeal of the 25th clause; but if his hon. Friend referred to what he stated, he (Mr. Candlish) would find that not once or twice, but oftener, in answer to Questions from his hon. Friend, from the hon. Member for Birmingham (Mr. Dixon), and others, he said he acknowledged the objections held by his hon. Friends, that he himself did not concur in them, that he would, if possible, remove them; but that he could hold out no hope whatever of doing so unless the right of the parent, when too poor to pay the school fees, to choose the school was reserved. He had always stated that they had no right, in putting compulsion in force, when there were two or more elementary schools from which the parent might choose, to say that the children should go to the schools which the school boards approved, and not to those approved by the parents. Everything, he stated, had that condition attached. That being so, the Government and he himself had done what they could to fulfil what he promised. They brought forward propositions for the purpose, and, on the high authority of the right hon. Member for Birmingham, had to some extent removed the objections to the clause felt by his hon. Friend and those who acted with him. It was true that before the plan was proposed, and before it was known what would be its exact form, it was objected to, or at least an opinion was expressed upon it before it was proposed. He had, however, hoped that full and candid consideration would have been given to it, because a similar provision was brought up in the Scotch Bill, and almost unanimously accepted.

He thought it right to say that much in vindication of the course pursued by the Government. But his hon. Friend said he had not met the difficulty, but rather made it greater by applying it to pauper children. It was quite true that the right of choice was not taken away in the case of pauper children. But had his hon. Friend or any other hon. Member protested against the application of the right to pauper children? His hon. Friend voted for the second reading, when he (Mr. Forster) stated clearly that all that had been taken out of the Bill with the consent of the Government was with reference to the indigent parent, rather than the pauper. His hon. Friend had thought fit to foretell the reception that awaited him in his own borough in connection with this subject; but he should be able to state that so strong was the feeling of the House that the pauper should not be deprived of this right, that neither his hon. Friend nor any other hon. Member had ventured to propose to deprive him of it. He did not make these remarks in any feeling of irritation, but it was impossible to pass by some of the remarks of his hon. Friend. He said that he (Mr. Forster) had deserted the principles of his youth, and he spoke not only of the effect which would be produced on himself, but also on the party. That was hardly a remark that should have come from the hon. Member, who knew nothing of the principles in which he (Mr. Forster) had been brought up, and of which he had been so unworthy a representative; but the fact was, that education question had been one of great difficulty and responsibility to him, and he felt from time to time that he had to consider, not the good of his party, nor the advantage of any temporary measure, but what he thought was right and just in itself, and he knew from the lessons he had received from his old Quaker father, that there was not a step he had taken on this question, especially with regard to religious education, that he would not have approved. He was confirmed in that opinion by some of his persuasion who were now alive. Then as to the effect that would be produced on his own interests, did the hon. Member suppose that he should be afraid of that? He appealed to those who knew him intimately whether he had ever viewed these questions as they af-

fected his own interest or those of his friends in preference to the manner in which they influenced the welfare of the country and the children of generations to come? He considered that he should be utterly unworthy of occupying the position he did if he allowed such considerations to have the slightest weight with him; and, looking forward to the opposition with which he was threatened in his own borough, he could assure the House that he did not fear the result. He was prepared to meet not only the whole constituency, but the Liberal constituency of Bradford, What the result might be he did not know; but he was quite sure that, after they had heard what he had stated, they would admit that he had acted in the manner which he thought best for the interests of education; and his firm conviction was that he should not be worthy of taking any part whatever in politics if he had either deserted his principles or lent himself to taking away the freedom of religious teaching in schools. When his hon. Friend said he had deserted his principles, his reply was, that so far as he had said anything in regard to education, he had simply repeated what he had always stated, and he would find that in addressing a large meeting at St. James's Hall, in the year 1868, he expressed the sentiments he had done now.

**Mr. H. W. VILLIERS-STUART** (*Waterford*): I feel that it may be thought presumptuous in me, a Parliamentary baby so lately born into this House, to venture to utter a word in its august presence. I plead in extenuation the fact that I have had a species of experience on the elementary education question, which I believe no other Gentleman present has had. I have for some years of my life had the honour—the high honour—of being in charge of a large parish. It was a rural parish in an English midland county. During those years I have been in constant and intimate intercourse with the cottage labourers. I am intimately acquainted with their feelings, their views, wishes, and wants. My experience leads me to hail with the greatest satisfaction the amended Elementary Education Act Bill. I am convinced that the advantage likely to be derived from it can scarcely be exaggerated. The cottagers receiving out-door relief are precisely the class

whom it is most difficult to induce to send their children to school. I shall mention an instance in point—a type of thousands of similar cases scattered throughout the country. I well remember a pauper family, the head of which was disabled by slight paralysis, and who was, therefore, a chronic case of out-door relief. This man had a large family of children. Every means were tried to induce him to send them to school; we offered to pay their school fees; we assisted them with clothing; we plied the parents with arguments and entreaties, but all in vain. The children grew up wild and neglected; the girls became instruments of vice and immorality; the boys became poachers and vagrants; the whole family were the plague-spot of the parish. Now, what would we have given in those days for such powers as the amended Act of 1870 will confer on parish Guardians? Those children would all have been sent to school, and would probably have grown up to be useful members of the community. The hon. Member for Sunderland has stated that the results of the Act of 1870 were insignificant—that they were represented by an expenditure of only £5,000 a-year. My experience would quite have prepared me for this, because I know the rural Guardians to be a class of men who shrink from responsibility. The Act of 1870 was permissive, and therefore implied responsibility; the present Act is compulsory, and I feel convinced that the Guardians will gladly carry out the provisions of the Act, now that it will no longer entail responsibility or odium. Before I sit down I wish to say a few words on one point which has arisen during the debates upon this Bill, with reference to a different class to the out-door relief pauper. The hon. Member for Brighton, in his eloquent speech, said much about calling a spade a spade. He argued that if a man received parish relief in the shape of school fees for his children, that constituted him a pauper. I venture to join issue with him there. I deny that the spade in this instance is a spade. The definition of pauper is a man who cannot provide himself or his family with the physical necessities of life, but education is not a physical necessary of life. Paupers are the failures and incapables of the community. There is a very large class who can and

do provide their families with the necessities of life, who cannot further afford the luxuries of education for their children, and whom, yet, it would be unjust and impolitic to brand as paupers. The cottager, who has fed and clothed half-a-score of children on 12s. a-week, and who has besides paid his provident club subscription, has, I think, done enough to entitle him to our earnest admiration. When the problem of making both ends meet has been so arduous we can scarcely expect that many pence, if any, will be left for school fees, and he may without reproach accept educational aid from the wealthier members of the community without being dubbed a pauper. What is it which nerves his arm, and furnishes the stimulus for this hard battle and struggle? Why, it is the honest feeling of self-respect and independence. It is his glory and his pride that he has never come upon the parish for food or clothing for his family. But if you now tell him that all that hard struggle has been in vain—that if he cannot, besides, pay his children's schooling, he is but a pauper after all, then you break that man's heart—his arm will fall nerveless by his side, and you will make him indeed what you have made him in name, a pauper. I trust that the hon. Member for Brighton who said—"Let us call a spade a spade," and also hon. Gentlemen who applauded the sentiment, will re-consider their verdict. I hope that they will call to mind the words of the poet—"Who robs me of my good name robs me of that which not enriches him, and makes me poor indeed." I hope also that the hon. Member for Brighton will forgive me for challenging anything he has said, and will excuse me, too, for speaking a word in favour of my old and most sincerely esteemed friend, the labouring man.

MR. R. N. FOWLER said, the hon. Member for Sunderland (Mr. Candlish) had stated that the 25th clause was an outrage on his conscience. He wished to ask the House why his hon. Friend's conscience was entitled to respect, while his (Mr. Fowler's) was not. He had co-operated for many years past with Nonconformists in promoting ragged schools, and in those schools Churchmen and Dissenters had been able to work harmoniously together in inculcating

these great truths in which they were agreed. He could not see why the same system should not be followed in Government schools. He was quite ready to contribute to schools in which the Nonconformists should teach their own religious views; but it was a violation of his conscience to support schools from which the Bible was excluded. He thought he had as much right to ask to have his scruples considered as hon. Gentlemen opposite. It had been a subject of great grief to him to see the Nonconformists, whom he had always believed to be sincerely attached to the Bible, ready to exclude it from education. He, however, rejoiced to believe that the policy of his right hon. Friend the Vice President was supported by an overwhelming majority of the people. They had seen how large the majority was in this House, and he believed it was still larger in the country, because many of the minority obtained their seats, not in consequence, but in spite, of their views on this question. There was one subject of a personal nature to which he wished to refer. The hon. Member for Sunderland had reproached the right hon. Gentleman with having abandoned the principles of his ancestors. Now, it had been his great privilege to know the parents and the family of his right hon. Friend, and he could bear witness that they had devoted their lives to philanthropy, and especially to religious education. He had himself, at the time the Education Bill was passing in 1870, visited a venerable friend of his—a near relation of the right hon. Gentleman—shortly before his death, and he expressed to him the great satisfaction he felt that his nephew had maintained the principle of Bible education.

MR. MORLEY shared the desire of the hon. Member for Manchester (Mr. Birley) to get rid of points of difference, and to unite all parties in promoting that degree of religious education which was wished for by the masses of the people. His complaint was, that in many districts where there was but one school—and that a National School—the schools were being to a large extent worked in support of Church principles. In 1870, he recognized the magnificent efforts which had been made denominational, and therefore supported the Vice President, being simple enough to think that, in country districts where schools

were scarce, some common ground for the inculcation of religious instruction would be found, and that it would be suitable to the entire population. It was exceedingly difficult to prove the contrary, because there was a great indisposition on the part of those affected to give evidence on the subject; but he knew enough to be convinced that there was a large number of instances in which the Conscience Clause was inoperative, particularly in villages where there was no owner of property who sympathized with its spirit, and that persistent attempts were made to promote Church interests in the schools. That was accounted for by the fact that those standing high in the Church of England had given utterance to the most stimulating suggestions that the schools should be managed in the interests of the Church alone, that the teaching was to be dogmatic, and that teachers were to be secured who were members of the Church of England, and who would pay supreme regard to the preparation of children for confirmation. In proof of that, he might refer to speeches of Lord Lyttelton, the Rev. Canon Norris (Inspector), the Bishops of Lichfield, Ely, Peterborough, and Gloucester, and the report of the National Society; and he would contrast, with their utterances, those of Dr. Fraser, Bishop of Manchester, who said that the Birmingham League was greatly misunderstood, and that on its platform clergymen might very well maintain a position which would show they were not afraid to act upon a common ground, on a subject on which they were supposed to have deep feelings. He could not be a party to the third reading of this Bill without appealing to hon. Members to shake themselves loose from Church prejudices, so that they might get to the end of these bickerings about Church and Chapel, and exert themselves in a united and hearty movement for the thorough education of the people. He especially appealed to the Vice President, who apparently had failed to see anything of danger that needed to be checked. He must, at the same time, tell him there was not one word in the Bill that touched in the remotest degree the grievance of which Nonconformists complained. As a Nonconformist, he protested against the application of public money to these purposes, and if

that spirit continued to be manifested, it was child's play to talk of any cessation of the present agitation.

SIR CHARLES ADDERLEY said, he would not enter into a discussion on the third reading of the Bill; but he would say that the efforts of the Church on educational matters had been recognized on all occasions, and he did not think the claims they put forward were extravagant. The House had not expressed any regret at the passing of the 25th clause, and he attributed the agitation against it to jealousy of the Church, rather than zeal for education. He should not care much if the maintenance of the clause did split up the Liberal party. A maintenance of the struggle on the question must only end in disgusting the people of England, and increasing their sympathy for Church and denominational education.

MR. H. RICHARD: The right hon. Gentleman who has just sat down (Sir Charles Adderley) ought to show some consideration for those who contend for what is called secular education in day schools, for there was a time when he himself shared their views. When the late Mr. Fox, then Member for Oldham, some years ago introduced into this House a Bill for secular education, the right hon. Baronet, much to his honour as I think, strenuously supported that measure. He has probably changed his views; but he ought not to be hard on those whom he has deserted. I will not enter into the controversy between my hon. Friend the Member for Sunderland (Mr. Candlish) and the Vice President of the Council, as to whether the latter has forsaken the principles of his youth; but I have always understood that the religious body among whom he was brought up, held this as one of their fundamental principles—that the application of public money, extracted from the pockets of the people by taxation, to teaching religion, whether in church or chapel or school, is not consistent with the freedom and purity of the Christian dispensation. But I arise principally to protest against the use that has been made of the word "sectarian" in the discussions that have taken place on the Bill. My hon. Friend the Member for Brighton (Mr. Fawcett) fell into the use of the merest clap-trap, when the other day he spoke of "sectarian wrangling" and took care by what he said before

and after, very distinctly to point the application of the phrase to the Nonconformists. I suppose there must be something very fascinating to the ear and heart in a loud cheer, especially when it comes from the ranks of your opponents. I infer that from the pains that are taken, and the sacrifices that are made to gain it. But the danger is, of being betrayed into clap-trap, in trying to secure the enjoyment. And I must say I think the hon. Member for Brighton has been a little exposed to the temptation of late of courting the applause of the party opposite, rather more than some of his friends think quite safe. Nothing can be more utterly unfair and unjust than to apply the epithet "sectarian" to the course taken by the Nonconformists on this education question. We are emphatically the unsectarian party. We are contending for national against sectarian education. The simple truth is—and it is vain to attempt to disguise the fact—that the conflict in which we are engaged is only a part of that which is going on all over Europe, and in respect to which the whole of the Liberal party in every country in Europe are at one—against delivering up the education of the people into the hands of the priesthood. Then we are charged with inconsistency, because we refuse the application of rates for denominational education, while we sanction it in Parliamentary grants. But who has sanctioned it in Parliamentary grants? Not the Nonconformists. On the contrary, they have steadfastly and consistently opposed it. If my hon. Friend the Member for Brighton has followed the history of Nonconformist opinion on this subject, he must be aware that for many years the great body of the Nonconformists opposed State education altogether, and especially, and emphatically on this ground—that the appropriation of public money by Votes from the Consolidated Fund to denominational, or even to religious teaching of any kind, was a clear violation of their principles and a wrong done to conscience. In 1843, at one of the largest and most important conferences of the Congregational Body ever held in this country, this resolution was carried unanimously—

"That this meeting, utterly repudiating, on the strongest grounds of Scripture and conscience, the receipt of money raised by taxation

for sustaining the Christian religion, feels bound to apply this principle no less to the work of religious education."

And they gave the best proof of their sincerity by refusing to accept the grant for their own schools, and so placing themselves at an enormous disadvantage. And their views on this subject have been expressed in this House with perfect explicitness. My right hon. Friend the Member for Birmingham, in the debate on the Minutes of Council in 1847, though he was almost the only Nonconformist in the House, with characteristic courage spoke out our sentiments fully. The Nonconformists were charged with "clamour" then, as they are now charged with "sectarian wrangling," and in reply to this, my right hon. Friend said—

"Just recollect, when the whole of the Nonconformists are charged with clamour, what they mean by being Nonconformists. They object, as I understand, at least I object, to the principle by which the Government seized hold of public funds to give salaries and support to the teachers of all sects of religion, or of one sect of religion, for I think the one plan nearly as unjust as the other."—[*3 Hansard*, xci. 1094.]

Perhaps I may be asked why, if we object to Parliamentary grants for denominational education, we do not oppose those grants when they are brought forward in the Votes? For a very obvious reason, and one which I think is not dishonourable to us. Because we know that, however opposed to our principles they may be, Parliament and the country were committed to those grants many years ago, at a time when we, the Nonconformists, had scarcely any voice in this House at all, and that many schools which have done and are doing excellent service in the work of popular education—and I have always ungrudgingly acknowledged the great service which the Church of England has rendered in the cause of education—have been established on the public faith that the grants would be continued. We felt that it would be unfair and unjust to attempt to withdraw suddenly the aid on which the strength of such schools has been led to depend. To allow a system which has come down to us from past times, to remain without active or immediate resistance, is one thing; but to allow the same system to be recognized and consecrated in a new direction, and by fresh legislation, is quite another thing. There is a great

disposition to sneer at the conscientious objections alleged by the Nonconformists on this matter. Well, they have given at least some proofs of their sincerity, when they have pleaded conscience on former occasions. For ages they submitted to be deprived of all the most precious privileges of citizenship, of the right of filling any office in the service of their country, of the honour of a seat in this House, and of the priceless advantages of University education, because their conscientious religious convictions stood in the way of their complying with the conditions by which those rights and privileges might be enjoyed. I must repeat again, what I have often said in this House—that the position taken by the Nonconformists on this subject is misunderstood, if not misrepresented. We do not ask for education without religion. I will yield to no man in this House, or in the country, in my anxiety to secure religious education for the people of this country. I believe that the best basis for a virtuous and prosperous population, is to have a population thoroughly imbued with religious principle and feeling. We only ask that religious instruction should be given by those to whom it could be best discharged, parents of the children, ministers of religion, and the teachers in our Sunday schools.

MR. BAINES said, he felt it his duty to bear his testimony to the conscientious, consistent, and useful course taken by his right hon. Friend (Mr. Forster) during that long educational controversy. For several years he himself had been opposed to his right hon. Friend, not indeed on great and essential points, but in regard to the intervention of the State. They had both been advocates of the universal education of the people, of freedom of education, and of the combining of religious with secular teaching. His right hon. Friend and himself had supported the system of undenominational Bible instruction which was founded 60 years since by the British and Foreign School Society, under Joseph Lancaster, the Duke of Bedford, and others; and among the life-long friends of that society were the father and uncle of his right hon. Friend. He knew the writings and speeches of his right hon. Friend on the subject, and he bore witness that his conduct had been straightforward and consistent. Where

*Mr. H. Richard*

they had differed, he was ready to say that his right hon. Friend had generally been in the right, and he (Mr. Baines) in the wrong. Yet he had not been altogether in the wrong. He had foreseen the enormous difficulties that would arise on the score of religious teaching, when Government should take the national education under its control. Perhaps he and his Nonconformist Friends had strained their religious scruples; but he must be permitted to point out the great change which had taken place in the attitude of Government and Parliament, and which seemed to him to justify his own change of action. In the Minutes of Council of 1846, introduced by that venerable friend of education, Earl Russell, it was made an absolute condition of a school receiving a Parliamentary grant, that it should give religious instruction, or at least should have the Bible read daily. His hon. Friend the Member for Bristol (Mr. Morley) and himself went to the Government during the Administration of the Earl of Derby, as a deputation from an influential meeting of Nonconformists held in the metropolis, and urged that that condition should be withdrawn. They said they gave, and should continue to give religious instruction in their schools; but they could not do it at the dictation of the Government, or receive a pecuniary bonus for doing it; and they wished that the Government should neither enforce nor prohibit religious teaching, but leave that element to the supporters of the schools, and confine their own action and superintendence to the secular department, and should aid secular schools as well as religious. That was precisely what had been done by his right hon. Friend (Mr. Forster) in the Education Act of 1870. In that Act it was over and over again declared that the grant was made exclusively for the secular teaching; the School Inspectors were instructed not to examine in religious subjects; a strict Conscience Clause was enacted; the use of religious formularies was forbidden in board schools; and it was left to the school boards, elected by the whole body of the ratepayers, to decide whether there should be any religious teaching in their schools, and of what character it should be. The Act was a purely secular Act. When some of the Nonconformists objected to grants being still made to denominational

schools, he thought they were mistaken; because the grants were made purely for the secular teaching; and he knew of no Nonconformist principle that forbade the State from making grants even to religious bodies for secular education, provided they were made to religious and secular bodies impartially. Before he sat down he must be allowed to express an opinion that would be distasteful to some of his hon. Friends opposite who were very sensitive as to any increase of rates. He must declare that he believed the question of national education would never be effectually settled until a school board was elected, and at least one undenominational school opened in every school district of the kingdom. At present an enormously disproportionate amount of public money was granted to Church schools, and in many parishes there was no school but a Church school to which Nonconformist children could go. He did not blame those who had provided the schools, and he would not consent to do them injustice or to break faith with them. But Churchmen must see that Nonconformists were not likely to be satisfied with a system which practically forced their children into Church schools; and he believed it would be the best policy of the friends of the Church to promote, rather than oppose, the establishment of undenominational board schools, to which Dissenters could with satisfaction send their children.

MR. COLLINS said, that if unsectarian schools were to be established in every district for the children of Dissenters, as recommended by the hon Member for Leeds (Mr. Baines), Churchmen might ask that school boards should also establish schools which should be satisfactory to Churchmen. Churchmen preferred that children should receive what they believed to be the truth, the whole truth, and nothing but the truth, and, as a mere rate-paying question, if Nonconformists were entitled to have unsectarian schools set up by authority of Parliament, the Members of the Church of England were equally entitled to have schools set up that would be suitable to them.

Bill read the third time, and passed.

## MERCHANT SHIPPING ACTS AMENDMENT (re-committed) BILL.—[BILL 253.]

(Mr. Bonham-Carter, Mr. Chichester Fortescue,  
Mr. Arthur Peel.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 and 2 agreed to.

Clause 3 (Particulars to be marked on British ships).

MR. NORWOOD said, that, as several of the clauses contained in the Bill were of a highly penal character, it was only fair to give shipowners time to prepare for the necessary changes. He would, therefore, move as an Amendment, in page 1, line 14, to strike out "January," in order to insert "July." Time should be given for the circulation of the Act before it came into operation. As the Bill now stood, many of its provisions would come into operation immediately on receiving the Royal Assent, and might thereby prove hurtful to many ships which were now away in foreign waters.

MR. CHICHESTER FORTESCUE said, that he would be sorry to postpone the operation of the clause beyond the 1st of January, yet as regarded certain ships not at the time within British jurisdiction, he would specify a period of one month after their arrival in any port of the United Kingdom. There were some other clauses which, perhaps, ought not to come into immediate operation, and he would consider how words could be best introduced to delay their operation upon the Report.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 4 (Particulars to be entered in record of draught of water).

MR. CHICHESTER FORTESCUE moved an Amendment which would prevent any reference being made to the depth of a ship's hold for purposes of registration. It might be very difficult at the last moment to obtain that depth, and he found that, under ordinary circumstances, the Board of Trade had ample means for obtaining such information, without inserting a provision to that effect in an Act of Parliament.

Amendment agreed to.

MR. NORWOOD said, that the measurement of ships contemplated by the

clause, to ascertain their buoyancy, was to be taken amidships only. That would not give a full or fair idea of their buoyancy, and he therefore moved in page 2, line 40, to add the words "amidships and at the stem and at the stern," in order that the measurement should be made in three places instead of one. The object of the Amendment was to guard against erroneous impressions as to a ship's seaworthiness that might arise from the fact of the single measurement being put on record. Some vessels had long poops and topgallant forecastles, and others had more sheer than was usual, and so might be safely loaded deeper amidships than other vessels.

Amendment proposed, in page 2, line 40, after the word "side," to insert the words "amidships and at the stem and at the stern."—(Mr. Norwood.)

Question proposed, "That those words be there inserted."

MR. CHICHESTER FORTESCUE observed that the point was a very technical one. He had taken the best professional advice with respect to it, and had been advised that the measurement should be amidships only. He could not, therefore, accept the Amendment.

MR. CANDLISH, in supporting the Amendment, said, that the buoyancy of a ship could not be ascertained if she were measured amidships only.

MR. BATES hoped the right hon. Gentleman the President of the Board of Trade would not assent to the proposed alteration of the clause.

Question put.

The Committee divided: — Ayes 32; Noes 117: Majority 85.

Clause agreed to.

Clauses 5 to 18, inclusive, agreed to.

Clause 14 (Appeal from decision of Board of Trade).

MR. HANBURY-TRACY, in moving as an Amendment, in page 6, line 40, to leave out "by the Board of Trade," said, the object of that and following Amendments he wished to make in the clause was to obtain an impartial survey.

MR. CHICHESTER FORTESCUE said he accepted the spirit of the Amendment, but would propose, that instead of leaving out the words suggested, the words "or shipowner" should be added after them.

Amendment, by leave, withdrawn.

On the Motion of MR. CHICHESTER FORTESCUE, Amendment made, in page 6, line 40, after "Trade," by inserting the words "or shipowner."

*Clause, as amended, agreed to.*

*Clause 15 (Power for Board of Trade to vary requirements as to boats.)*

MR. MUNTZ proposed an Amendment providing for the enforcement of proper regulations for the lowering of boats on occasions of emergency. They all knew how often lives were lost from the want of some such regulations.

MR. SAMUDA said, the proposed Amendment would saddle the Board of Trade with a large responsibility, and one which the Board would not be able satisfactorily to carry out.

MR. COWPER-TEMPLE hoped the Board of Trade would initiate inquiries, as to what were the best means of saving life in case of shipwreck. He thought that the Amendment ought to be adopted.

MR. CANDLISH said, that if the regulations of that kind were adopted by the Board of Trade the responsibility would be taken off the shoulders of the shipowners, which he thought undesirable.

MR. T. BRASSEY said, it would be simply impossible to keep up the constant supervision which would be necessary if the Amendment were passed.

MR. R. N. FOWLER inquired whether, in the opinion of the right hon. Gentleman, the present state of the law was satisfactory as to life boats?

MR. CHICHESTER FORTESCUE said, he was not prepared to recommend the Committee to impose such serious responsibilities upon the Board of Trade as the Amendment proposed. The clause itself was only intended to be a temporary provision, and it would no doubt be strengthened hereafter, according to the success of the experiments which were being made for saving life. Before the Board of Trade could adopt any of the best appliances the trials must be made at sea, subject to all the conditions of stormy weather. The law as it stood at present did provide that vessels should be duly supplied with boats and all requisites for their use, and, therefore, as the Board of Trade could not at present hope to fulfil the conditions of the Amendment with satisfaction to the public, he must decline to accept it.

MR. MUNTZ said, what he wished to do by his Amendment was to give the Board of Trade power to provide means especially for lowering boats with safety down the sides of vessels when the lives of the passengers and crew were endangered by shipwreck. The want of such means, he believed, was the principal cause of disaster.

MR. BATES believed that the loss of life was chiefly caused by the great fear and tumult which prevailed when a ship was foundering. The clause had better remain as it stood, so that the responsibility of providing the best means of saving life might rest on the shipowner, and not upon the Board of Trade.

MR. ALDERMAN LUSK concurred, and expressed a hope that the responsibility would never be taken away from those on whom the prevention of accidents more immediately depended.

*Amendment negatived.*

*On Question, That the Clause stand part of the Bill?*

MR. NORWOOD approved of the clause as far as it went, but regretted that it did not go further. A blot in the original Act of 1854 was the fact of the supply of boats being made proportionate to the scale of the tonnage of the ship, and not to the number of passengers carried. That was a great mistake, and he hoped the Board of Trade would find a remedy for it. Every passenger ship ought to be compelled to carry boats adequate to the number of persons on board. When he had crossed the Channel to the Continent, he had observed that there was nothing like the number of boats required for the passengers on board; while on the other hand, large vessels going long voyages with few passengers had much more boat accommodation than could be of any use.

MR. SAMUDA was of opinion that the clause already went in that direction as far as was practicable. There was the difficulty of stowing the boats, and it was not for want of them that loss of life often occurred. Indeed, one of the greatest shipowners in this country had assured him that the closest observation over a great number of years had led him to the conclusion that these boats had actually caused more loss of life than they had ever saved.

MR. COWPER-TEMPLE suggested that as many of the boats now carried on ships were useless for the purpose of saving life, their place could be supplied by boats and modern appliances which would be of real service.

SIR JOHN HAY entirely approved of the object of the clause, but was desirous of making it more explicit with reference to collisions such as that which resulted in the loss of the *Northfleet*. He suggested whether words might not be inserted in the clause, providing that in cases of collision the two vessels should be bound to stay by each other until each had ascertained from the other whether any assistance was required.

MR. CHICHESTER FORTESCUE promised to consider the suggestion, and to see whether he could not on the Report bring up words to meet the object in view.

*Clause agreed to.*

Clause 16 (Duties of masters in case of collision).

MR. MAGNIAC moved the addition of the following words, as a Proviso to the clause :—

"Provided, That the benefit of this clause shall not extend to any foreign vessel, unless mutual advantages shall have been granted by convention or otherwise by the Government of the country to which such foreign vessel may belong."

MR. CHICHESTER FORTESCUE opposed the Amendment. He held that the master of a vessel who was guilty of a crime like that committed by the captain of the *Murillo* at the beginning of this year ought to be considered to be guilty of a misdemeanour.

*Amendment negatived.*

MR. CANDLISH complained that the punishment for offences to which the clause related was thrown not upon those who were guilty of such offences—the captains—but upon the unfortunate underwriters.

MR. CHICHESTER FORTESCUE said, that in that respect the clause was a mere re-enactment of the existing law, excepting that for a certain offence the captain was held guilty of a misdemeanour.

*Clause agreed to.*

Clause 17 (Rule for steamers in narrow channels).

MR. HANBURY-TRACY moved the omission of the clause.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 75; Noes 45: Majority 30.

House resumed.

Committee report Progress; to sit again this day.

And it being now Seven of the clock, House suspended its sitting.

House resumed its sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### INDIA—OFFICERING OF THE INDIAN ARMY.

##### MOTION FOR AN ADDRESS.

MR. BOURKE, in rising to move—

"That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission to inquire into the mode in which European Officers are supplied to the Native Army of India, and to the promotion, pay, pensions, and retiring allowances of such officers,"

said, that although the subject was a military one, no one could take an interest in Indian affairs without feeling that the efficiency of our Native Army was a subject of prime importance to the future of our Indian Empire. Tranquillity now prevailed in India, but tranquillity there was different from tranquillity in England. In India there were always turbulent tribes on our frontier to watch, and dependent States that were liable to disturbing influences; and although he admitted that good government was the best guarantee for peace, yet good government in India was impossible unless there was behind it a reliable amount of physical force, and that physical force must in a great measure depend upon the Native Army. Again, there was no portion of Indian finance more important than military finance, and no portion of military finance more important than that which related to the European officers of the Native Army. He would exclude all reference to the Artillery in India, which

was substantially part of the Royal Artillery. The officering of the Artillery was essentially different from the officering of the Line, to which his Motion would be confined. The House was aware that there prevailed in India what was called the Irregular, as well as the Regular system. The difference between the two systems was this—the Regular regiments were organized very much like our Line regiments, and had a nominal complement of 25 officers. The regiments of the Irregular system had a complement of three European officers, selected from the Regular Army. The duties which the officers of the Regular regiments were called upon to perform, besides their own immediate regimental duties, were numerous. The Army Staff, the military departments, the Commissariat, and the Pay Office were all supplied from the officers of the Regular Army, borne on the effective strength of their regiments, besides the numerous diplomatic, judicial, and police executive duties, which were in many cases performed by officers borne on the regimental strength of the Army. The result of that system was, that instead of there being 25 officers with the Regular regiments the number amounted to about 8 to 12. Upon the policy and effect of the system he would say nothing, except that it had an inevitable tendency to interfere with the military spirit of the officers, and induced them to seek other than military employment with their regiments. There was no subject which had been the theme of more interesting essays and despatches. Forty years ago Lord Metcalfe wrote some most able despatches, and it was curious to see how they applied to the subject now agitating the public mind. The evils were frequently admitted, and before the Mutiny the Directors had authorized an inquiry as to how officers could best be provided to perform detached and State duties. Then came the great event of 1857. Almost the whole of the Bengal Army revolted and disappeared. The Bombay Army generally remained faithful. One regiment of Madras Cavalry showed signs of disaffection, and was disbanded; but almost all contingents, except the Hyderabad Contingent, followed the example of the Bengal Army. In 1858 the government of India was transferred from the Company to the Crown, and by 21 & 22 Vict.

c. 106, s. 56, the advantages with regard to pay, promotion, &c., were secured to the officers on their being transferred to the Crown. Just before the Act passed, a Royal Commission was issued for the purpose of examining generally as to the character of the Army it was desirable to maintain after tranquillity should be restored. That Commission, presided over by General Peel, made their Report on the 7th of March, 1850. The whole matter was referred to India for discussion. All the greatest authorities, military and administrative, were consulted by Lord Canning, and the most elaborate replies, filling a large blue book, were given in answer to queries circulated by Government. Lord Canning called for a Report from the Military Finance Committee, consisting of Colonel Jameson, General Balfour, and General Burn, and in the following year they sent in their Report. Lord Canning wrote an elaborate Minute, and sent home Sir Henry Durand to confer with the authorities; but here he must take care to assure the House in justice to Lord Canning, that he did not suggest or approve of the scheme which was afterwards carried out. General Norman, who was at home at the time, was consulted by Sir Charles Wood. General Norman was an officer of very great administrative talents, and was as distinguished in the field as he was in the council chamber. A General Order was issued on the 10th of April, 1861, by the Governor General, framed in pursuance of Royal Warrants and directions conveyed to him in despatches by the Secretary of State. By that Order, the amalgamation of the two Armies was effected, and the terms of the amalgamation and of the organization of the Native Armies were elaborately set forth. The Native regiments, both Cavalry and Infantry, were to be officered on the Irregular system; and, by a principle of selection, there were to be seven European officers to each regiment. All regimental appointments were to be Staff appointments, to be made from a body then constituted, called the Staff Corps. All existing officers of the Indian Army were to be retained on full pay, and assured promotion, whether there was employment for them or not, or whether qualified or not. Here they were called upon to deal with men, many of whom were unwilling and unqualified.

to enter the Staff Corps, and who had important but undefined rights guaranteed to them, independent of any Regulation which might be framed. They had to deal not only with regimental officers, but with those who were performing Staff duties, police duties, and all other duties. Whether it would have been wiser to have then cut the Gordian knot, and separated the Civil officers who were nominally regimental officers from those who were purely military, he could not say. But the clause guaranteeing existing rights made that very difficult; and, considering the great work which had been done in days of old by the class of men called military civilians, it was not surprising that the Government thought it advisable, on the whole, to retain a system by which military men could be retained for civil employment. The rules, therefore, establishing the Staff Corps were framed, not only for the purpose of establishing a permanent body, to be recruited in future on certain principles, and of regulating the pay, pension, and promotion for the future, but also for the purpose of admitting the old officers into the Staff Corps, who under the Parliamentary guarantee had already statutory rights which could not be interfered with. And besides these, they had the officers on the General List, who had been admitted after the outbreak of the Mutiny, on condition that they would serve where their services were required. The permanent and general rules of the Staff Corps were these—First, admission to the Staff Corps was to be through the Imperial Army, based, in the first instance, on selection, and open to all officers under the rank of captain. But no person was to be selected who was not qualified by a certain amount of service in India and by examination tests; nor without service of a year in a Native regiment. Nor could any officer enter the Staff Corps permanently without having passed a probationary period in that branch of the service for which he might be selected, whether civil or military. Then promotion in the Staff Corps was governed by length of service. 1. Officers after 12 years' service, of which four must have been in the Staff Corps, were to become captains. 2. Officers after 20 years' service, of which six must have been in the Staff Corps, were to become majors. 3. Officers after 26 years' service, of which eight must have

been in the Staff Corps, were to become lieutenant-colonels. The pay of the several ranks was laid down; but besides that pay, it was also laid down that every officer would receive, in addition, such a sum as would make his total pay up to the sum assigned by the Government of India to the particular office which he held. A pension list was also laid down for the future; also it was laid down that a certain proportion of the senior officers of the Staff Corps were to receive colonels' allowances in the proportion of one for every 30 officers in the Staff Corps. The colonels' allowances amounted to about £1,200 a-year. All the old officers in civil and military employment who were borne on the *cadres* of their own regiments, were to be provided for. Rules therefore were made for them. It was decided to admit, in 1861, all the officers in the British and Native Armies below the rank of colonel then on Staff employ in India who were duly qualified; and Staff employment included all civil and political employments of every description, and also employments in the Irregular Corps; but the option of joining the Staff Corps was open only to those who were considered fit for the Staff Corps. Under these rules, therefore, it will be seen that some of the regimental officers might and did join the Staff Corps, while others, who did not, constituted what is called the local officers. Changes were very soon found necessary—I will explain the reason why. I have already said, promotion in the Staff Corps was and is regulated by length of service; the promotion of the local officers, who did not join the Staff Corps, by seniority. The two systems clashed. The system of promotion by length of service interfered with the rights and privileges of the old officers, guaranteed by Act of Parliament. The result, therefore, was that, so far as regimental officers were concerned, great irregularity of promotion occurred, and some officers were superseded by their juniors. Great discontent, great irregularity was the result; and the grievances of many of the officers were brought to the notice of the authorities. A Royal Commission was therefore appointed, which was presided over by Lord Cranworth. In consequence of the Report of that Commission, an Address to the Crown was moved for, in 1865, as to the grievances

of officers, and a Commission was appointed, presided over by General Aitchison. Then took place a change, which the admirers of the Staff Corps said had spoiled the whole system. The Staff Corps was thrown open to the whole of the Indian Army. All limits as to the number of colonels' allowances were removed, and two additional pensions of £600 and £750 a-year were added to the pension list. The result of that Order was, that in one year the number of officers leaped from 1,485 to 2,197. There was no doubt that the Staff Corps' system possessed some advantages. The position of the regimental officers in India, belonging to the Staff Corps had been very much improved. Under the new system, every officer must be a colonel in 26 years, and if he commanded a regiment his salary was £1,700. Under the old system, he would probably, if a regimental officer, be still a captain drawing about a third of that sum. There could be no doubt, also, that the officers were very much improved, and for efficiency, they could compare favourably with any service in the world; and though some were superseded by their juniors in regimental command, yet, at the same time, the position of the officers as a whole was incomparably better than it was before 1861. As it was necessary to provide in 1861 for all the officers of the Indian Army, many of whom were unfit for important employment, and as it was necessary, also, to continue to recruit the Staff Corps in order to obtain young and efficient officers, it followed that a great number of unemployed officers must remain on hand as a dead weight. That was one of the most serious sources of embarrassment at the present day. On that subject General Norman said that under a new system, requiring vigour and judgment, many officers who had become unemployed through the Mutiny were not now thought fit for employment, and yet a Government like that of India would be loth to treat them with harshness. The question of those unemployed officers required immediate attention. As to the excess of field officers, in 1862 we had about 4,000 altogether to provide for; while in 1873, we had altogether in the Staff Corps and local body on full pay 3,216, 400 being unemployed. Field officers being allowed to attain

that rank after a specified time of service, the number far exceeded the requirements of the service. In 1862 there were 568 lieutenant-colonels and majors; in 1873 there were 1,334; and there was no reason to suppose this proportion would decrease at present. In fact, calculations had shewn that in a few years the number of field officers would be double that of captains and subalterns. In 1862, 4,167 officers cost £1,800,866; in 1873, 3,216 officers cost £2,050,000; so that the staff of officers in 1873 cost £200,000 more than in 1862, although the numbers had been decreased by 20 per cent. Financially, there was no probability that the expense would not go on increasing. Supposing things to remain as at present, the officers drawing colonels' allowances in 1873 were 64, their pay being £72,000, while in 1892 there would be 513, costing £577,000. As remarked by General Broome, military history presented no instance of an Army so constituted, or of one so costly; and not only was a further increase in the proportion of field officers inevitable, but under the rule granting the colonels' allowances to lieutenant colonels of 12 years' standing, a large and steadily augmenting proportion of field officers would be in receipt of that allowance. That the present system of officering the Indian Army would bear the strain of war was doubted by men of the highest authority, and in Abyssinia it completely broke down. Eleven officers were posted to each regiment instead of seven, and the Madras Army was largely indented upon for subalterns to make up that complement. Lord Sandhurst had been obliged to represent that the three Presidencies had been simply drained to supply Lord Napier's wants, some British regiments having been emptied of their officers in a manner almost unexampled, and most injurious to the interests of the service. Lord Sandhurst added that had the war lasted, all future demands for officers, which from the nature of the service would have been considerable, must have been supplied from England, Indian resources having come to an end while if in the service now proceeding in the Hazara District, 30 or 40 officers were put *hors de combat*—a likely enough contingency whether from sickness or wounds, he should not know where to find the men to replace them, and the

Native regiments might easily come to be devoid of good officers. There were defects in the Staff Corps' system which nobody could deny. In the first place, every step of advancement was liable to separate the officer from his regiment; and, further, it could not be denied that a system of selection led to jealousies and heart burnings. The view he was expressing was supported by many eminent authorities, and, among others, by Sir Henry Durand—

1st. That regarded as a system of military organization, the Staff Corps, constituted as it was at first, and modified as it has since been, was a mistake and proves a failure.

2nd. That regarded as a system of ancillary civil organization and administration, it is full of anomalies, inelastic and teaming with sources of embarrassment and difficulty.

3rd. That strive as we may to bolster up and improve the Staff Corps system thus constituted, it cannot last, and that consequently it is only a question of more or less time given to temporary shifts and expedients ere a thorough reorganization will be forced upon Government. That event may take place, either in prudence before or else after a signal collapse under the strain of war; but it is to my mind absolutely inevitable. Shifts and expedients may delay, but they cannot dispense with the unavoidable and pending necessity for a radical reform.

Looking at that question as a financial one, he regarded it as one which might damage altogether the finances of our Indian Empire. Those finances had during the last few years shown a steady progress, and it would be a great calamity if anything should occur to prevent the continuation of that progress and improvement. He believed it was not too late to devise measures to prevent that increase in our military expenditure which he believed to be desirable. No stone, therefore, ought to be left unturned, and no pains spared to accomplish that great object. He believed the proposal he was about to make was a prudent one. The Government of India had at its command able and experienced men who understood the Staff Corps system; but they were all men who had given opinions on the system, and he thought it would be a great assistance to have the opinion of men who would bring fresh minds to the subject, and give their opinion without prejudice or foregone conclusion. The ultimate decision would, of course, rest with the Secretary of State, and upon this subject he wished to say a few words. The proposal of his hon. Friend the Member for the Border Burghs. (Mr. Trevelyan)

proposed to leave everything as it was at present. He believed that if that course was taken the proposal of the Government, if indeed any were made, would lack the authority and weight which they would have had if made upon the authority of a Royal Commission; and so strongly did he feel that, that he should certainly take the opinion of the House on his proposal, unless he was assured by his hon. Friend the Under Secretary of State for India that steps were being taken in order to effect reforms in a direction which would in his opinion contribute to the future welfare and the general interest of our Indian Empire. The hon. and learned Gentleman concluded by moving the Resolution of which he had given notice.

MR. R. N. FOWLER, in seconding the Motion, said, that the question was one of vast importance, and ought to be fully discussed. He was sorry that the forms of the House would prevent the second Amendment, of which Notice had been given by his noble Friend the Member for Haddingtonshire (Lord Elcho), from being put, for he thought the claims of the officers of the late Indian Army for compensation for the loss of regimental bonus ought to be abolished. The Amendment of the hon. Member for the Border Burghs (Mr. Trevelyan) proposed to leave the matter to the Government of India; but he thought it would be well to entrust the inquiry to eminent men who would be able to give their whole attention to the subject, because, although he fully acknowledged the great talents of those who were now connected with the Government of India, he thought their time was too fully occupied to undertake an investigation of this sort. As a Member of the Committee which was sitting on the question of Indian finance, he was fully alive to the importance of reducing the expenditure of the Indian Government as much as possible; but at the same time, full justice ought to be done to those gallant men who were the successors of those who had won India for us. It was most important, in any reductions which might be made, that efficiency should be combined with economy, and we should not therefore send out more officers than were absolutely necessary to maintain the efficiency of the service. A point, also, well worth ascertaining was whether a

Native Army was specially necessary for the interests of India, and whether it should or not be maintained.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission to inquire into the mode in which European Officers are supplied to the Native Army of India, and to the promotion, pay, pensions, and retiring allowances of such officers,"—(Mr. Bourke,)—

—instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

**MR. TREVELYAN**, who had given Notice of his intention to move the following Resolution as an Amendment to the Motion of the hon. and learned Gentleman the Member for King's Lynn (Mr. Bourke)—

"That, while immediate and earnest attention should be given to the mode in which European Officers are supplied to the Native Army of India, and to the position and emoluments of those Officers, the responsibility of ascertaining and proposing such steps as should be taken for the reform of the present system ought, in the opinion of this House, to be left to the authorities entrusted with the Government of India."—

said, that Amendment was not of a hostile character to the Motion which had just been made. That discussion could not do anything but good, and his object was the same as that of the hon. and learned Gentleman who had just sat down, though he (Mr. Trevelyan) differed as to the appropriate remedies which were necessary in our Indian military system. Speaking roughly, our Indian Army consisted of 65,000 European troops, with a Native Army of 180,000 men, the latter being composed almost entirely of Cavalry and Infantry, for since the Mutiny the Artillery had been almost entirely European. Thus the 3,800 officers, with whose grievances we had so much to do, and of whose defective organization we had heard so much, belonged exclusively to what in England was called the Line. The conditions of service of these officers were absolutely unprecedented in the history of any civilized nation. He used the words "civilized nation" advisedly, because it really required a high state of civilization to invent a system so cumbersome, and one so utterly wanting in all the essential attributes of military effi-

ency and financial economy as that on which our Indian Army was at present officered. A system so monstrous never was devised, was never even foreseen as a whole by any human intellect, nor did the responsibility of the system rest with any single Minister. It reached its present position by gradual growth under one Minister after another, and under circumstances of great and special difficulty. The old Indian Army consisted of 275,000 men, comprising 155 regiments of Infantry and 21 of Cavalry, besides 37 Irregular regiments. During the Mutiny that vast Force underwent an entire change. Excepting 12 Regular regiments, the old Bengal Army melted away, and in the crisis of the Mutiny was replaced by numbers of corps of Punjabees, Ghoorkas, and loyal sepoys, raised by the exertions of individual officers. The suppression of the Mutiny left us with an immense amorphous force of officers without regiments, and regiments with the merest handful of officers, and it was not till May, 1861, that some order was evolved from this military chaos. The whole Force was broken up, the Indian Army in all the Presidencies being reduced to about 140 regiments; and at the same time an important change occurred—the transformation of the Army from a Regular to an Irregular Force. Of the grievances of the officers of that Force much had been heard. He begged the House to keep the two questions of the grievances of the officers and the organization of our Indian Army, quite separate. He did not wish to depreciate the importance of the question, or to disparage the claims of so splendid a service; but those grievances concerned mere individual interests and financial considerations, whereas the organization of our Indian Army was a question upon which, to our shame, we had heard little, though it concerned the very existence of our Indian Empire. The regiments of the old Indian Army had a full complement of 25 officers, who were attached to their regiments in the same manner and on the same terms as the officers in the English regiments, indeed, in some respects, far more closely. Exchanges had not been allowed for 35 years. The regimental system, of which so much was heard in 1870, existed in all its integrity. Each officer had definite duties, commanding a company or a troop,

and though many of the more able and fortunate were withdrawn for Staff employment, enough remained to officer every portion of the regiment. Side by side with that system existed also 35 or 40 Irregular regiments which had been raised by officers of great ability; they picked their own subalterns from the entire body of the Indian Army, and the consequence was, that they got the very best men for officers. In the Cavalry, the soldiers owned their own horses, and were of a much higher stamp than ordinary soldiers, and they had the greatest confidence in their leaders. The success of those special corps inspired the Government with the idea of forming the whole Army upon their model; and therefore each regiment, instead of being commanded by a regular hierarchy of colonel, major, captain, and lieutenant, with special duties, was to be officered by six or seven officers—a commandant, two wing officers, two wing subalterns, a quarter-master, and an adjutant. When the Army was attempted to be constituted upon this plan, the essential vice of the system was that it was worked by picked officers. Formerly we had 4,000 officers out of whom to choose for 37 regiments; but by turning the whole Army into an Irregular force, we did not, unfortunately, turn all the officers into men like Nicholson and Chamberlain, Jacob Fane and Probyn. The case was still more important when we came to the rank and file. The old Irregular regiments were made out of warlike races on the North-West frontier, and they required constant fighting on the frontier to keep up their warlike spirit, for the great characteristic of half-civilized races was that when they ceased fighting among themselves their warlike spirit died out rapidly; and most fortunate for us that was. There were large portions of India from which we still drew sepoys, where there was no more natural taste for a military life than there was among the Syrians or Egyptians under the Roman Empire; for instance, the inhabitants of Madras, and to a great extent of Bahar and Bombay, were not natural soldiers, and required perpetual drilling and the constant supervision of European officers to make them efficient at all, and even then it was doubtful whether they were worth much. We could not change the nature of a population by a stroke of

the pen, and it was the very fanaticism of theory to imagine that by dressing a fat old Madras rassaldar in a turban and jack-boots you could turn him into a dashing partisan, like one of Probyn's Punjabees. In fact, with regard to the Madras Cavalry, the absurdity of the notion was so egregious, that the transformation of them into Irregular Horse had been indefinitely postponed. The plain thing to be done was not to continue in that unfortunate and ruinously expensive course of keeping up a large force drawn from an unwarlike population; but we ought to disband, or largely to diminish that force, and replace it by a much smaller number of real fighting men, drawn from the warlike population of the North-West Provinces, and officered on a proper system. That was the more necessary from the large increase that was going on in the Indian police. The police in India now numbered from 130,000 to 150,000 or 160,000 men, and the expense of keeping it up had been increasing by something like 500,000 of rupees during the last six years. If that were done, where would be the necessity for appointing a Commission? The appointment of a Commission would convey an indirect censure on the Indian Government, which had proved itself to a high degree capable of facing the difficulties which must be surmounted before India was provided with a reasonably cheap and an entirely effective force. In 1869, the Home Government called upon the Indian Government to make a searching and general revision of military expenditure in all its branches; and the Indian Government, under Lord Mayo, instituted that inquiry, and sent home recommendations for large reductions in the Madras and Bombay Armies, but they stated that the Bengal Army could not be reduced with any safety to the Empire. In an evil hour the Secretary for India wrote that it was impossible to take this plan into consideration, because, in breaking up regiments, they did not dispose of the officers, or relieve the state of their military pay, and that there should be some general system of gradual reduction in all portions of the Empire equally. That despatch, dated the 27th of January, 1870, was a confession that an excess of military force was kept up in India, not for the sake of the efficiency of the Army, but for

the sake of the officers. On that consideration Her Majesty's Government recommended that the reduction should be made not in Madras, where the Army was comparatively useless, nor in Bombay, but that it should be equally carried out in all the Presidencies, including that in which our military force was only just equal to the demand. It was all very well to say that they wanted a Commission; but the men actually concerned in the matter said they did not need any inquiry, that the House was already in possession of all the information necessary for its purpose, and that further inquiry would not be necessary for at least two years more. The present Viceroy brought to bear on the question a familiarity with military organization acquired during an altogether exceptional period of activity in our War Department. It was beyond doubt that it was possible to make our Native Army a far more formidable fighting machine at a far less cost to the taxpayers of India. That was a task by which the present Viceroy might be well satisfied if he could illustrate his tenure of office; and that task, seconded as he would be by the assistance of the ablest officers that could be secured, without aid or hindrance from a Royal Commission, he was well able to perform. Then as to the alleged enormous expense of the Staff Corps, to which his hon. and learned Friend alluded, and as to which he failed to suggest any remedy. He (Mr. Trevelyan) doubted whether a Royal Commission would have more wisdom or discernment in connection with that subject than his hon. and learned Friend himself. The evil of the system was, officers had been promoted, not according to the requirements of the service, but with a small decreasing number of exceptions according to a General List, on which they rose according to the length of time during which each officer had served in a particular grade. Of course, at the foundation of the Staff Corps it was intended that the rapidity of regimental promotion should only represent the average rapidity of regimental promotion. The result showed the danger of departing from a healthy system. The only justifiable system of promotion was according to the exact requirements of the public service. The consequence of departing from that system was, that the

pressure of private interests became so strong that the period of passing from rank to rank was unduly shortened. The moment the Government attempted to solve the question by substituting for the Parliamentary guarantee the right of admittance to a privileged corps, it was morally certain that no peace would be had until every officer obtained the same advantages. In fact, it would have been far better to have swallowed the whole thing at once, and to have admitted all officers to the Staff Corps; and whatever might be the ultimate burden, whether half a million or a million, it would be the greatest sum ever drawn from a subject-nation not for Imperial purposes, but to subsidize individual interests. It was absolutely essential that the Government should, without delay and without the possibility of giving rise to any future controversy, lay down clearly and for ever the terms on which all officers not belonging to the old Indian Army who had joined the Staff Corps since 1860, and who were joining it now, should serve. The experience of the past told us how dangerous it was to leave open these questions of promotion and pension. The whole story of Indian military organization during the last 12 years had taught us that in dealing with public servants during a great change in the conditions of their service, it was absolutely necessary that pecuniary compensation should be exactly proportioned to pecuniary loss. The present Government, in their Bill of 1870, adopted a sound policy, directly opposed to that which had brought the finances of the Indian Army into such inextricable confusion. The Government would be assisted in their task by the heads of the civil and military Departments in India, and to their combined efforts, warned as they would be by this discussion, and by the disclosures made before the Select Committee upstairs, he should leave the re-organization of our Native Army with more confidence than he should feel in those of any Commission, however well selected.

Lord ECHO thought the hon. and learned Member for King's Lynn had shown good ground for the gravest consideration of the state of the Indian Army by Her Majesty's Government. It was essential, in the mode of appointing the Army, that they should have

content, and not discontent, in all the grades, from the highest to the lowest; and it was the more necessary because the question could not be decided by the vote of the House on that occasion, but would have to be left to the discretion of the Indian Government, and of the Home Government. He (Lord Elcho) had intended to move as an Amendment to the Motion of his hon. and learned Friend, an addition to the effect that the claims made by a large number of officers of the late Indian Army for compensation for the loss of their regimental bonus should be also referred to that Royal Commission. But he was precluded from moving the addition by the Forms of the House, and, as no Commission was likely to be appointed, all he could do was to urge upon the Government the necessity of dealing with the two questions together, as he did not think they could be kept separate or distinct. The question should be considered by some impartial tribunal either here or in India. A system of regimental bonus for the purpose of accelerating promotion had existed in the Indian Army, and was finally sanctioned by the Government, in order to induce contentment amongst the officers, upon which feeling depended the efficiency of that Army. Lord Derby, when Secretary of State for India, said that the privileges of the officers would be reserved; and, in 1860, Sir Charles Wood repeated the same assurance. Could any case be stronger? There were—the title, from the East India Company, of 1837, the Parliamentary guarantee of 1858, the statement then that it was a Parliamentary guarantee, a confirmation of this two years later, and another statement at that time by the Secretary of State of what was intended. Yet, in spite of this, the claims of the officers were disregarded when, in 1861, the introduction of the system of Staff Corps destroyed the regimental system, and no compensation was given. The result being an appeal from Caesar on the Treasury bench to Ossar in the House of Commons, on a Motion made by the hon. and gallant Member for Harwich (Colonel Jervis), in May, 1865, when the House decided by a large majority that the matter should be considered by the Government, and the claim of the officers dealt with in the sense of these guarantees. No further action was taken until

Lord Cranborne (the present Marquess of Salisbury), as Secretary of State, directed that the question should be considered, subject to deduction for any benefit the officers might have derived from their subscriptions. As Colonel Sykes afterwards said, the generous-minded Lord Salisbury must have acted upon the sordid advice of subordinates, in offering compensation with one hand and taking it away with the other. Claims of £250, £420, and £4,421 were reduced to nothing; and, to quote Colonel Sykes again, the claims of the officers were met with meanness and heartlessness. That that was the opinion of the House of Commons was shown by a Resolution it adopted at the time, directing a further consideration of the subject. Since then, in answer to the Address on the subject, the Duke of Argyll sent to the different Presidencies in India instructions to see whether Lord Cranborne's despatch had been put into operation, with a due regard to the interests of the officers. He might mention that the officers absolutely repudiated that despatch in regard to the way in which it proposed to deal with their claims. In the Presidency of Bengal it was held that the interests of the officers had been well considered; but from that opinion Lord Napier, the Commander-in-Chief, evidently dissented, because his name was not appended to the document; and the Presidencies of Bombay and Madras were very strongly opposed to the opinion of the Madras Presidency. That was the position of this matter in the year 1870. He now came to the year 1871, when upon the Bill for the re-organization of the Army, we were called upon to consider the analogy between the bonus system in India and the purchase system in this country. That analogy was this—that both were intended to secure more rapid promotion and enable younger men to get to the heads of regiments; but the difference was this—that the bonus system and the purchase system were both forbidden nominally by law, and although in England there was a semblance of standing by the law, things were allowed to go on to such an extent that a Royal Commission reported that Parliament could not avoid dealing with the question. The House then felt it necessary to deal with over-regulation as well as regulation prices, and pay officers in

full, on their retirement, under the Bill of 1870. The East India Company acted more fairly; because instead of winking at it, they considered it was necessary, and said they did not intend to make any alteration, as the officers were entitled to it when they left the Army. The principle of the Bill having been carried, the fights in Committee were upon the way of giving effect to the abolition of purchase; the majorities of the Government were reduced from 120 to 16; and the hon. Member for Gravesend (Sir Charles Wingfield) got an Amendment put into the Bill of 1871 for the benefit, not of all the officers who had served in India, but only for a section of them—namely, the Infantry regiments of the Line; and within the last week the same hon. Gentleman had been assured by the Secretary of State that the Engineers and Artillery would be placed on a similar footing. In conclusion, he maintained that the officers who complained had a strong and good case, resting on a Parliamentary guarantee, and on the statements made in that and the other House by Ministers responsible for the government of India; and he did hope, whether by a Royal Commission, or whether by the Government themselves, that the matter would be considered fairly and generously as regarded the officers. He believed that distrust and discontent existed, arising from a sense of injustice; and he did not think it was wise in any Government, however strong, to ignore the prevalence of feelings of that kind among such a body. It had been wittily said, that the difference between a man with a strong will and one with a weak will was, that the former said, "I will," and the latter, "I won't;" and it would be not only a gracious act, but a sign of strength, if the Government yielded to the reasonable request of the officers, whether of the English or the Indian service, and he trusted they would bear in mind what His Royal Highness the Commander-in-Chief had said in "another place," a few days ago, about the discontent in the Army, and the expediency of steps being taken to satisfy the officers that their complaints would be heard.

GENERAL SIR GEORGE BALFOUR said, at that late hour of the night, and in view of other hon. Members addressing the House, on the present important

question, he would endeavour to condense his remarks in the briefest possible way. That was the more practicable, seeing that the hon. and learned Member for King's Lynn had placed before the House a remarkably clear exposition of the former and present system of officering the Army of India. He could not refrain from expressing to the hon. and learned Member his best thanks for the labour he had devoted in order to make the question quite clear to the House and to the country. He would only add that the regimental system of India, which had the sanction of Pitt and Dundas in the last century, and had borne the strain of war for a long period, was changed in 1861 by Sir Charles Wood, contrary to the wishes of the Indian Government. It was also introduced at a most unfavourable time, when the finances of India were in an embarrassed state, owing to the expenditure to quell the Mutiny of the Bengal Army. It distracted attention from the great question of financial reform, and it came on the country when all were labouring to aid the hon. Member for Orkney (Mr. Laing) to free India from the serious embarrassments which then weighed upon that country. That change was made in spite of advice and warning, and with nothing whatever to guide the Secretary of State in introducing such vast changes as were made by Sir Charles Wood in the entire constitution and organization of the Indian Army. It was based upon the plea of economy; whereas it had involved India in an unlimited expenditure, and they now saw its results in discontent and dissatisfaction, and with great distrust as to its efficiency in war, as the hon. and learned Member had so clearly pointed out. As one who had had long experience of Native troops, as an adjutant of a Native battalion of India, and from having served in the field both with Europeans and with sepoys, he maintained that though an admirer of the Native Forces, yet the efficiency of the Native Army of India depended entirely on the number and efficiency of European officers; that unless the white faces were well to the front, leading on the men, and setting them an example, it would be found some day that a failure would happen to us, and some great disaster prove the inefficiency of the present organization. There ought to be

a searching inquiry made, and the Secretary of State who introduced those changes ought to be required to explain his reasons for doing so, and to be held responsible for the bad results of his administration. With regard to the principle of selection, which was the most prominent feature in the Staff Corps system, he would ask what selection could they have from a body of officers even now quite insufficient in number for the duties which had to be performed? The strongest objection to the organization which Sir Charles Wood destroyed was the selection of regimental officers from regimental duties for Staff employ, leaving a residuum with the regiments. But that was even now the practice. At present, they had many battalions with not fewer than five field officers, and, in some instances, three of these were full colonels. They had also many regiments without any subalterns, but all consisting of captains and field officers. They could not expect old officers to go and do the work which should be done by subalterns. Where were they to select from, and who were to be the selectors? Instead of selection, they would come to an absolute system of seniority. Indeed, so difficult was it now to pass over old but respectable officers, that commands of battalions were, as shown by the list, entrusted to the senior colonels in the service, thus proving that seniority, and not selection, was in force. That result had been long foreseen, for the Duke of Cambridge had stated in evidence, that selection would be fatal, and that all they could do was to have a veto on the rise of officers. He hoped that defective system would be put an end to, for it was causing the greatest discontent and dissatisfaction in India. The second question before the House was the Resolution regarding the bonus payments of the old India Army; and, having considerable experience of the practice of paying old officers to retire from active service, he must add that he entirely agreed with all that had been said by the noble Lord the Member for Haddingtonshire with regard to the bonus system. These contributions were begun at the distinct instigation and encouragement of the Indian Government, at home and abroad, and, in proof, he would refer to the despatch of the 25th April, 1829, from the Government of India, pointing out

the necessity for accelerating the promotion of the European officers of the Indian Army. That document was obtained from the India Office, on the Motion of the hon. and gallant Member for Harwich (Colonel Jervis), who, 10 years ago, earnestly laboured on behalf of the Indian officers, and had his advice been then taken, many of the difficulties now felt would have been prevented. The despatch from India advised the Home Government to establish a fund for the purpose of accelerating promotion by buying out old officers. That despatch was from Lord William Bentinck, the Governor General and Commander-in-Chief in India, one of the greatest of economists. The principle it advocated was approved of by a despatch from the Board of Control in 1832, conveying to the Directors of the East India Company the approval of the Government of England for retiring funds being formed in the Indian Army. That system, as at first proposed, was a subscription on the part of regimental officers, combined with a subscription on the part of the Government, by which the retirement of old officers should be accelerated. The Court of Directors distinctly authorized the formation of these funds. They encouraged officers to subscribe as he could positively assert from his own experience, for soon after his arrival in India he was actively engaged, in conjunction with a comrade now not far distant, in the management of one of those subscriptions to the regimental fund. They were then young subalterns amenable to a committee of seven officers, and would have been immediately reported and restrained by their superior officers, and by the commandant of the regiment, had they been infringing the orders of Government. But, on the contrary, the superior officers themselves joined in the management of the fund, and the collection of subscriptions was carried on publicly, with the full knowledge of all the high authorities, and with the sanction of Government, who facilitated the collections through the Accountant General; and the system thus practically recognized continued in force throughout all his term of service, until it was put an end to by the change in the organization of the service which was made in 1861. That change was made by the Secretary of State for India of his own accord, without the approval

of the Government of India, and as it was made for the good of the service, as asserted at the time, it was only just that compensation should be given to officers who had paid their money without any chance of obtaining value for it, or of having it returned to them owing to these changes. Those payments had effected great good. They enabled many old and formerly good officers to retire at a time when they felt a difficulty in continuing in active employment. Without that purchased retirement, the Government would have expended much larger sums to effect those promotions of officers which the efficiency of the service demanded. It was, therefore, most ungrateful for the Government to refuse the payment of compensation, now that the officers could no longer help themselves. He had himself paid upwards of £2,000, for which his promotion had been accelerated by six months. That was all the advantage he got by it, and, yet, if afterwards he had applied for the payment of the bonus on retirement, he would have had the amount of the pay for the six months' acceleration of rank deducted from the bonus; and that, notwithstanding he had been upwards of 18 years in the rank of subaltern, and 32 years in the rank of subaltern and captain. That was the course ordered by Lord Cranborne's despatch of 8th August, 1866; but it was not consistent with justice. It was, moreover, in marked contrast with the liberality of the right hon. Gentleman the Secretary of State for War, who, only a few evenings since, announced to the House that any officer of the Home Army could, when desirous of leaving the Army, walk down to the office of the Purchase Commissioners, and there obtain, without any deduction, a cheque for the full value of his commission. There was, indeed, a marked difference between that and the treatment of the India bonuses under Lord Cranborne's despatch. He hoped the question would, at length, be fairly considered. He entreated the Government to put an end to the discontent which prevailed, and appoint an independent arbitration to decide, in order that justice might be done to the officers whatever might be the consequences.

MR. GRANT DUFF said, with a view to shorten this discussion, and fix attention upon the issue they had to de-

cide, he would pass over the early history of the bonus question, which had been so often before Parliament, and come at once to January, 1861. There existed in the old Army of the Company, which became at that date the Indian Army of the Crown, a practice of subscribing in each regiment to buy out officers who retired, for the purpose of accelerating promotion, before reaching the rank of lieutenant-colonel. That practice was in most regiments irregular and spasmodic—sometimes followed, sometimes not. It had been pronounced illegal by the Courts of Law, but was, nevertheless, after being winked at for some years, permitted by the Government. Still, it was a perfectly private arrangement, nothing like our authorized system of purchase ever having existed in the Company's Army. The amalgamation of the Indian Army of the Crown with its Western Army made the continuance of the bonus system almost useless, and indeed to a great extent impracticable, and those who had maintained it began very naturally to cast about for some method of getting compensation. First they tried to have its cessation represented as a breach of the Parliamentary guarantee, and accordingly they took measures to have it considered by Lord Cranworth's Commission, which reported in 1863. That Commission, however, reported that it was no breach of the Parliamentary guarantee, and that Parliament had never guaranteed the bonus system in any shape or form. A second Commission was appointed under the presidency of Sir John Aitchison, with reference to the Parliamentary guarantee, and that Commission reported in 1865; but again that Commission treated the bonus system as altogether outside the Parliamentary guarantee, and did not even notice it. The argument from the Parliamentary guarantee was then abandoned, and the question was argued on the broad ground of equity as between a State and some of its servants. The principle of Lord Cranborne's settlement was this—he gave up the contest as to the legality or illegality of the bonus system. He said—"I will recognize your bonus system; and I will do more. The arrangements consequent on a great State exigency having had the incidental effect of making your bonus system unworkable, I will take

care that each of you shall have returned to him the money which he subscribed under the bonus system, after setting off the money which he received in consequence of the arrangements which led to the sweeping away of the bonus system. You shall, in short, lose nothing, and the State—that is, the Indian taxpayer—shall lose everything which is necessary to shield you from loss.” Lord Cranborne’s concessions were announced by himself on the 6th day of August, 1866, and were received with every appearance of acquiescence and satisfaction. His despatch to the Government of India embodying his concessions was laid upon the Table. Not a word was said against it. It was not till long afterwards that any symptoms of dissatisfaction arose, when the committees in India, composed, be it remembered, of persons who naturally sympathized with the complaining officers, were found not to give to the complaining officers such large sums as they had expected. Then it was that recourse was had once more to the old agitation. But it was said that Lord Cranborne had no right to deduct the money advantages gained by promotion from the sums advanced by the various officers under the bonus system. If he had not a right so to do, why did not the persons who had then charge of the case of the officers object at the time? The answer was obvious. They saw the equity of the arrangement. The money was paid by the various officers for the express purpose of obtaining rapid promotion, and if they got rapid promotion they got what they paid for. Promotion, and rapid promotion, was what the Indian officer sighed for, and what he meant to buy by his bonus payments. Authorities on all sides of politics were against the demands now made. The House of Commons of 1866, a long and unbroken succession of Secretaries of State and of Viceroys, with their respective Councils, were to be put in the one scale, as against a single Governor of Bombay on the other. Parliament having deliberately created the Indian Council for the express purpose of guarding the India Treasury, was the House of Commons, yielding to pressure against which the Council was guarded. going to pass a Resolution in the very teeth of the Indian Council, which would be inoperative unless the sum of £600,000

should be straightway taken out of the Indian Treasury and given to various claimants whom the Council, in spite of their natural sympathies with men along with many of whom they had lived all their lives, believed to have no just claim whatever upon the Indian Treasury. He could not believe a proceeding so unjust and impolitic as the re-opening of this question by referring it to a Royal Commission would find favour with the House. With regard to the present organization of the Indian Army, it was the result of very extraordinary and terrible events, the suddenness of which hardly allowed the country or its rulers to consider what should be done with the calmness and deliberation appropriate to great affairs. Possibly what was done was the best that could have been done under all the circumstances. Very possibly it was, but he would not say that as modified by what had been done since, it was the final outcome of human sagacity. The mode in which European officers were supplied to the Native Army of India, and to certain civil and political offices and Departments deserved careful scrutiny, and it, or indeed all the matters referred to in his hon. and learned Friend’s Motion, might be susceptible of improvement. Many unjust strictures as well as some just ones had been directed against the Staff Corps, which had been held responsible for things which formed no part of it as originally devised, and would form no part of it, if it were to exist till the end of the century. The unhappy plethora of field officers formed no part of the original Staff Corps organization, but was the result of a Resolution carried in that House against Sir Charles Wood and the then Government of India, and the adoption of this Resolution would repeat one of the worst mistakes ever made in Indian government. The act which produced this plethora was taken by the late Conservative Government; but neither it nor any other Government could, under the circumstances, have done otherwise. Its consequences, however, would cease as soon as the officers of the old local Army then allowed to join the Staff Corps had died out, which in the nature of things would happen before the end of the century. The number of field officers, indeed, would reach its maximum in about four years, and by 1891 or so, the Staff Corps, if it existed,

*Mr. Grant Duff*

would be constituted as originally intended. The anticipations of enormously increased colonels' allowances were the result partly of miscalculations, but largely of a desire that such miscalculations should be correct; many officers in India being anxious, as there happily seemed no prospect of active service, to get a good round sum from the Government in compensation for their prospective allowances, and to bid India adieu. The last figures put before him showed that while in 1861 the officers' pay and colonels' allowances amounted to £2,046,993, and in 1871 to £2,128,095, in 1881 the sum would be £2,180,519, and in 1891 only £1,914,859. Obviously, therefore, the writers who predicted a terrible burden to the Indian taxpayer from colonels' allowances had forgotten to set off the diminished amount of pay to effective officers and retiring pensions. He might go on to point out that in many other ways the Staff Corps had had scant justice done to it by half-informed opinion. Nevertheless, he did not come down to-night to defend it as a perfect machine, or even to assert that it would be a permanent institution. The tenor of advices from India was such as to lead the Government to believe that the present Viceroy was going to take up the whole subject of our military organization, and to examine it impartially, precisely in the way in which the hon. and learned Member for King's Lynn desired that it should be examined by a Royal Commission. He had telegraphed to this country, begging the Government in the very strongest way not to complicate his position by agreeing to the appointment of a Royal Commission, and his hon. and learned Friend would doubtless be unwilling to increase the Viceroy's difficulties. If Lord Northbrook and the Home Government, in whatever hands that Government might be, failed to place the local military service in India on such a footing as might be acceptable to his hon. and learned Friend, then it would be time enough to move for a Royal Commission. He trusted his hon. and learned Friend would feel that he had done enough by calling public attention to the subject in a very able speech, and by eliciting from him (Mr. Grant Duff), as the representative of the Government of India here and in India, the fact that the Government

was prepared to—nay, he might say, had actually begun to, take the large subject which he had laid before them into its consideration.

MR. LAING, being the only Member of that House who had served on the Council with Lord Canning in India at the time when the change was introduced, felt it due to that Nobleman's memory to bear testimony to the fact that he was in no degree responsible for that measure. The changes which led to the deplorable results described by the hon. and learned Member for King's Lynn were forced in successive steps upon Lord Canning's Government by influences at home. Under the old system, prior to the establishment of the Staff Corps, we had an Indian Army, separate from that of the Queen, the supply of its officers being kept up by the nomination of cadets, who were generally the sons of country gentlemen who had been connected with India. On the amalgamation of the Armies that system was recklessly destroyed. There never, in his opinion, was a greater want of political wisdom shown than in the measures which were adopted in consequence of the transfer of the East Indian Service to the Crown. The Staff Corps was regarded at the time as a means of recruiting our Indian officers from the Queen's officers who chanced at the time to be serving in India. The assimilation of the services, however, was to lead to the necessity of establishing a most expensive Staff Corps with very great prizes, and to the general adoption of the Irregular instead of the Regular system. The testimony of all military men, however, who were connected with India was, that, in order to make the Native regiments efficient for actual warfare the first condition was that they should have a large complement of European officers. Even the Madras regiments, which had been so much decried, had on many occasions done good service, when they were led to action by European officers whom they respected, and who set them a gallant example. When, however, these were converted into Irregular regiments they were worth nothing; therefore, in his judgment, it was impossible to reconcile efficiency with economy so long as the Irregular system was made the starting point. While he perceived the magnitude of the evil, he hailed with

great satisfaction the pledge of his hon. Friend the Under Secretary of State that the Staff Corps should not be a permanent institution. He hoped, however, the authorities who would have to consider the matter, would be prepared to go a good deal further, and that if they were satisfied the system founded contrary to the advice of Lord Canning in 1861 was a failure, they would be prepared to sweep it away, giving of course a liberal compensation to all vested interests. As regarded compensation to officers, he wished to vindicate the memory of Lord Canning, and also his Advisers, from all responsibility for what had since occurred. He could say that had his hands been as free to deal with the Indian Army as he had been to deal with the Indian Navy, none of this discontent would have occurred. It had been too much the custom to appoint officers who had names from birth, rather than from merit to high and efficient positions, thereby destroying that emulation which was necessary in the Army. More than that the Government had resorted to a system of economy, which was not consistent with efficiency. His experience in India proved to him that the most economical way in which the grievances in question could have been dealt with, was by the adoption of the policy to which the Secretary for War had recourse in abolishing Purchase—namely, the giving of a just and liberal compensation to all who had vested interests. They had had a body of officers for an Army of 250,000 men, but from the effects of the Mutiny and the financial exigencies of the war, that number was reduced to 130,000. The difficulties which necessarily resulted would have been best met by the adoption, not of half measures, but of a liberal policy, for the most fruitful source of extravagance was ill-timed parsimony. He believed that that like other serious evils, had arisen from the united wisdom of the Governor and his Council in India being controlled and over-ruled by the Government at Home. He had more confidence in Lord Northbrook getting out of the difficulty than in a Royal Commission dealing with the matter; and therefore he could not vote for the Motion of the hon. and learned Member, although he cordially agreed in all he had said, and trusted that after the assurance of the Under Se-

cretary of State, he would not go to a division.

SIR STAFFORD NORTHCOTE hoped his hon. and learned Friend who had brought the question forward would be content with the discussion that had taken place, and would not press his Motion to a division, especially when he considered that it had taken so satisfactory a direction. He agreed with the hon. Gentleman who had just sat down, that India had suffered to a considerable extent from the way in which this country had interfered with the Indian Government. What had been the weakness of the present Army system of India was, that there had been too great a desire to make it as a whole into an Irregular Army, and the adoption of that course had led to considerable difficulties. A mistake was made at first, so far as the officers were concerned, in not looking the matter boldly in the face, and compensating those officers who were not required, and parting with them on satisfactory terms both to themselves and to the Government. He hoped the Government would still deal boldly and liberally in the matter, and that they would place the system on a footing which would be perfectly satisfactory and sound. He did not think the Staff corps as at present organized could be maintained without alteration; but Lord Northbrook, whose service in India had given the highest promise of a useful and valuable Viceroyalty, could be safely entrusted to deal with the matter. He fully concurred in the opinion that it was most injudicious to interfere in Indian affairs by the action of Parliament or of Royal Commissions in matters which could not possibly be so well understood at home. The position of the Indian Army was very different from that of our home Army. He also thought it very unadvisable that the House should much discuss the claims of any particular class of Indian officers on the Indian Treasury; and holding that view, he dissented from the views put forward by the noble Lord the Member for Haddington. Two Commissions respecting them had decided against them, and Lord Cranborne's proposals were fully accepted by the House, and had been as fully carried out; and that being so, he did not think it would be right to affirm, in any way, that any officers should receive more

money than had been awarded to them by the responsible officers—especially when the money to be paid for the purpose was to come out of the hands of people not represented in that House. He hoped the Motion would not be pressed, but that a satisfactory conclusion would be arrived at by the ordinary Government machinery for the purpose.

COLONEL JERVIS said, he hoped the House would not accept the views of the right hon. Baronet the Member for North Devon as being shared by those who sat behind him. There was a wide difference between the officers in the English Army who could have their position and mode of service changed at any moment, and the officers of the Indian Army who had been taken over from the East India Company, and with whom the British Government had on many occasions broken faith in the most glaring manner. The fact that that was being done was perfectly well known to the Native populations, who not unnaturally asked themselves whether they were not likely to share the fate of the Army which was charged with the maintenance of the Empire. It would have a bad effect upon them, which was very impolitic, when it was considered that the amount of money at stake was really very small. The Government had paid large sums of money to English officers in respect of purely illegal transactions, whilst they refused that small consideration to the Indian officers, who had right on their side.

SIR CHARLES WINGFIELD would be glad if the Government could see their way to modify their policy with regard to the claims of the Indian officers. He would be prepared to support a substantial proposition to compensate those officers who had suffered loss by the abolition of the bonus system.

MR. DENISON thought it a scandal that officers should be promoted, not according to the requirements of the service, but by seniority, without any reference to their particular merits or usefulness. There could be no doubt that the Indian Army was less efficient than it was in former times. He was one of those who thought that it was only in cases of extreme urgency that the House should take upon itself the grave responsibility of interfering between the Government of India in India, and itself, and he also concurred in the

opinion expressed—that no man could be more fitted to take up this question than Lord Northbrook. He was afraid that the Indian Office at Home had been smitten with an apathy on this subject, and thought that they should be now aroused to the necessity of greater activity. He joined cordially with those who had preceded him, in thinking that the question should not be allowed to sleep, and that before another Session of Parliament they would receive an assurance to that effect.

MR. BOURKE, understanding that the subject was now being considered by the Government, begged leave to withdraw his Motion. [“No, no!”]

Question put, and agreed to.

#### CUSTOM-HOUSE OFFICERS AT THE OUTPORTS.

##### POSTPONEMENT OF MOTION.

VISCOUNT SANDON, in consequence of the lateness of the hour (one o'clock), said, he would postpone a Motion which stood in his name on the Paper until Tuesday next, having reference to Custom House Clerks at the Outports.

#### THE LICENSING ACT—OBSERVATIONS.

MR. VERNON HARCOURT, in rising to call attention to the operation of the valuation sections of the Licensing Act upon the property now invested in existing Beer Houses; and to move

“That the owners and occupiers of beer-houses who have invested their money in premises licensed previously to the passing of the Act of 1872 ought not to be subjected to the forfeiture of their property by the imposition of new and more onerous pecuniary conditions in respect of the renewal of their licences,”

said, he wished he could consistently take the same course as the noble Lord the Member for Liverpool (Viscount Sandon) who had just postponed his Motion; but the grievance to which he desired to call attention should be remedied at once, if it was to be remedied at all. In the Licensing Act of last Session various regulations were made with respect to beerhouses which placed them in a different position to other licensed public-houses. The point at issue was, whether those beerhouses should continue in the exceptional position which it appeared they had been placed in by that Act. He believed that it was not

the intention of the Legislature to place those houses in the position the owners now found themselves—that the legislation was intended to operate *in future*, and did not apply to houses which previously possessed licences, but who might find it difficult, if not impossible, to find new premises or extend the old ones, so as to comply with the new regulations as to rateable value. By the Act the rateable value had been changed to the annual value of the premises; but in taking that annual value, they excluded the fact that the house had a value above the annual value in consequence of being a public-house.

MR. BRUCE said, the hon. and learned Member misapprehended the real state of the case. The point referred to affected public-houses, and not beerhouses.

MR. VERNON HARCOURT contended that in consequence of the decisions which had been arrived at last September a great hardship and injustice had been inflicted on the owners of beer-houses. Whether it was desirable that those houses should exist or not was not a question into which he was going to enter. All he contended was, that having under the old law obtained a certain status, and having invested their capital and applied themselves to that occupation as a means of living, they ought not to be arbitrarily and unjustly deprived of those means by a new system of valuation. He might refer to the debate which had just closed as an illustration of the injustice which had been and would be done to beerhouse keepers. In the case of officers of the Army, it had been agreed not only to pay regulation prices, but over regulation prices, in consideration of previous existing facts. Why should the occupiers of beerhouses be treated in a different spirit? But he did not ask any favour for them; all he asked was that they should be treated justly, and that, by what he thought was an accidental and unintentional operation of a particular clause in a Bill, those people should not be deprived of their means of living. Last September many of those houses were closed under the operation of the Act. Next September, when the licensing sessions were resumed, unless some action were taken in the matter, the whole of them would be shut up without any fault on the part of the occupiers. That would be the case in every parish

throughout the country, and those houses would not be the worst, but the best of their class. He did not believe that the advocates of the Licensing Act themselves intended this to be the result of their legislation, and he confidently appealed to the Government for an immediate remedy to an urgent grievance.

The hon. and learned Member having been informed by MR. SPEAKER that according to the Forms of the House his Motion could not be put—

MR. BRUCE said, he could not understand the object the hon. and learned Gentleman had in view in bringing forward this subject. An Act of Parliament was passed last Session making certain provisions with respect to beerhouses. If the hon. and learned Gentleman had carried that Resolution of which he had given Notice, what effect would it have on the proceedings before the Justices at the next Brewster Sessions? When the Bill he referred to was introduced, notice of it was given to the keepers of beer-houses throughout the country, and that particular provision was distinctly mentioned by Lord Kimberley in introducing the Bill in the House of Lords, and although objection was taken to many parts of the Bill, no objection was taken to that one. When the Bill came down from the other House he (Mr. Bruce) also referred to the provision in terms as distinct as those of Lord Kimberley. Some discussion was raised on the Motion by the hon. Member for Stroud (Mr. Dickinson) but only with the view of making the restriction greater, by excluding from the rateable value for qualification that of any fields which might be attached to the House. In the case of public-houses, it had been assumed that magistrates would exercise their functions to ensure that these houses would be of the proper rateable value; but the case of beerhouses was different—a low class of beerhouses had come into existence, and so strong was the feeling on the subject, that not the slightest objection was taken to this provision as regarded beerhouses in either House of Parliament. Then, did they act harshly with the beerhouses in calling on the magistrates to see that they possessed the rental required by the Act of Parliament? That was done in the case of public-houses; but in that of beerhouses, the only security they could have was by

*Mr. Vernon Harcourt*

seeing that they were of the proper rateable value, and requiring them to bring their houses up to the required rateable value within a given time. To him it seemed a just and fair provision. And when his hon. and learned Friend compared the case of the beerhouses with that of the officers, he would remind him that the officers were at least of some value to their country, and that it was just they should be compensated—which could not be said of these houses. He failed to see any advantage that his hon. and learned Friend proposed in bringing forward this question.

MR. GREENE said, he was astonished at the reply of the right hon. Gentleman the Home Secretary, for anything more unjust he had never heard in his life. His remarks might very well apply to the state of things which originally existed, when the beerhouse licences were first issued 30 years ago, when they were not under the control of the magistrates. That was not their fault, and the Government were now taking advantage of a sin of their own creating. But the Home Secretary ought to have recollected that that did not apply now, for the beerhouses had for 12 months previously been placed under the control of the magistrates, and he would appeal to the testimony of any Chief Constable to say whether they were not as well conducted as the fully licensed houses. If they were to require a beerhouse to come up to a certain standard of value, they would in many country districts require a very large place; but it was monstrous to place such a restriction upon a poor man, who intended to sell beer to poor men. The result would be that the whole trade would be handed over as a monopoly to the brewers. They had only to look to the Act to see that it was only intended to deal with future licences, and that there was not the slightest idea or intention of making it retrospective. He had recently purchased a beerhouse, and if the licence was refused on this ground he intended to try the case by applying for a *mandamus*, and he had been advised by eminent counsel that he had a good case. All this showed with how little reflection the Act of last Session was passed. When once a dog was given a bad name it was as well to hang him, and that was the principle on which the Home Secretary appeared to be dealing with the

beerhouse keepers. The Act was so unjust that it could not possibly last. He would appeal to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) to say whether the beerhouse which supplied beer to the poor man was half so bad as the full licensed house which supplied spirits; and he should call on the hon. Baronet to support the Motion, which he regretted could not by the Forms of the House be put. If it could, he was certain the Home Secretary would have been left in a minority.

SIR HENRY SELWIN-IBBETSON said, that if his recollection of the debates of last year was correct, there was a general desire to avoid any possible mistakes. It was certainly his belief at the time the Bill was under consideration last year, that its object was, as far as possible, to protect existing interests, and that the clauses under consideration were not to affect the old, but only new licences, and he was convinced that they were discussed by hon. Members under the impression that they were only dealing with the new, and not with the old beerhouses. He believed if it had been generally known when the Licensing Act was before the House, that so large an amount of rateable interests would be affected by the change proposed, there would have been more minute discussion, they would have taken greater care of those vested interests, and they would have guarded against the mistakes which had been made. During the discussion on the Bill the hon. Member for Boston (Mr. Collins) had called attention to the fact that in many mountain districts there were only a few houses of low rateable value that practically afforded to a comparatively large population any accommodation whatever. For many years previous to the passing of the Licensing Act, in some districts the rateable value of beerhouses was made up of many ingredients, and practically the value of those houses was of low standing indeed. That state of things, however, did not apply to a large number of beerhouses which the passing of the Licensing Act affected. In many towns an immense number of houses would be swept out of existence at the next licensing sessions. In that case, a great injustice would be done. In many towns, at the corners of streets land could not be had for the purpose of extending existing beerhouses, so that

it was perfectly impossible to bring the annual value up to £15. Though they were conducted respectably for generations, they would be refused licences, because they were below the required rateable value. It did seem a great hardship, indeed, that houses of this character should be swept away. In one town within his own knowledge, at least 200 such houses would be swept away, as they could not build up to the rateable value required by the Act. The Legislature would act wisely, if the attempt were limited to wipe out beer-houses or public-houses. The question of renewing licences ought to be affected by the fact whether they had been properly conducted. If they had been badly conducted, then he was free to confess that their licences ought not to be renewed; but when they had been respectably conducted for generations—when they had been carried on within the legal requirements of the Act—it did appear to him a very great hardship indeed that they should be swept away simply on the ground of rateable value. The right hon. Gentleman the Home Secretary said, he could not see what good could result from the Motion of the hon. and learned Member for Oxford as, practically, it was too late to take action in the matter. But that was not the first time during the present Session that the attention of the Government had been called to the grievance complained of. He (Sir Henry Selwin-Ibbetson) had himself urged the necessity of doing something in the matter; but he felt as a private Member the difficulty he would have, unaided by the Government, in dealing with the question. He thought the Home Secretary would act wisely if by a short Act passed during the present Session, he and his Colleagues in the Administration rendered impossible that which must be admitted to be a great injustice.

MR. CAWLEY said, the language of the 46th section of the Act was so clear that it never could have been for one moment doubted by anyone who paid attention to the Bill when before the House that the Licensing Act was intended to have a retrospective effect on the point of rateable value with regard to beer-houses. He knew there were cases where from the houses having changed owners injustice would be done, at the same time it must be remembered that

if the value of the house had been properly stated when the licence was granted, no injury could be done. There must have been misrepresentation in obtaining the licence, which was frequently done when the licence was granted by the surveyors of taxes. He thought that some discretion should have been left to the magistrates in dealing with this particular class of houses instead of binding them down as they were by the 46th and 47th sections. At the same time, he could not concur in the Motion of the hon. and learned Member for Oxford.

#### POST OFFICE—COMPULSORY REGISTRATION OF STAMPS, &c.

MR. MONK said, he had a Notice on the Paper—

"To call attention to a notice of the extension of compulsory registration to letters and packets containing bank notes, postage stamps, jewellery, or watches, issued by command of the Postmaster General; and to move—that, in the opinion of this House, it is undesirable that letters, not duly tendered for registration, which contain bank notes or postage stamps, should be subject to a double registration fee of eight pence."

At that late hour, however, he would not trouble the House on the subject. He believed he would have an opportunity on Monday, on the Post Office Estimates in Committee of Supply, to draw attention to the matter, and he wished now to give Notice that he would then ask the Postmaster General to withdraw the new regulation, so far as it referred to bank notes and postage stamps. If he did not receive a satisfactory reply from the right hon. Gentleman, he (Mr. Monk) would, on the Report of Supply, move the Resolution which he had put upon the Paper for to-day.

MR. J. LOWTHER said, the regulation in question was a most monstrous one, and he hoped no time would be lost in calling the attention of the House to it. He trusted the hon. Gentleman (Mr. Monk) had ascertained that he would have an opportunity on Monday of bringing the matter before the House.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee.  
House resumed.

Committee report Progress; to sit again upon Monday next.

*Sir Henry Selwin-Ibbetson*

## ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL—[Bill 207.]

(Mr. William Edward Forster, Mr. Secretary Bruce.)

CONSIDERATION,

Bill, as amended, considered.

MR. GOLDNEY moved a new clause, requiring the consent of Governing Bodies to applications of apprenticeship fees, and other benefits under certain limitations.

Clause (Consent of governing bodies to application of apprenticeship fees, &c.,)—(Mr. Goldney,)—brought up, and read the first time.

Motion made, and Question proposed, “That the said Clause be now read a second time.”

MR. W. E. FORSTER admitted that if the Governing Bodies had a strong opinion on these matters, the Commissioners ought to pay special attention to their views.

Motion and clause, by leave, withdrawn.

MR. DENISON moved to amend Clause 13, by inserting words to render it incumbent on the President or Vice President of the Council, in the event of a Motion for an Address to Her Majesty praying her to withhold her assent from a proposed scheme of the Commissioners being made in either House, to move the assent of such House within the period of two months prescribed in this clause.

*Amendment proposed,*

In page 6, line 19, at the end of Clause 13, to add the words: “Provided, That whenever a Motion for an Address to Her Majesty, praying Her to withhold Her assent from a proposed scheme of the Commissioners had been made in either House, it shall be incumbent on the President or Vice President of the Council to move the assent of such House within the period of two months prescribed in this Clause.”—(Mr. Denison.)

Question proposed, “That those words be there added.”

MR. W. E. FORSTER objected to the Amendment.

*Question put.*

The House divided:—Ayes 9; Noes 33: Majority 24.

Amendments made.

Bill to be read the third time upon Monday next.

## ROYAL NAVAL ARTILLERY VOLUNTEER FORCE BILL.

On Motion of Mr. GOSCHEN, Bill to provide for the establishment of a Royal Naval Artillery Volunteer Force, ordered to be brought in by Mr. GOSCHEN and Mr. SHAW LEFRAYRE.

Bill presented, and read the first time, [Bill 264.]

## SANITARY ACT (1866) AMENDMENT (IRELAND) BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend “The Sanitary Act, 1866,” so far as the same relates to Nuisance Authorities of Ports in Ireland, ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 266.]

## FOUR COURTS MARSHALSEA (DUBLIN) BILL.

On Motion of The Marquess of HARTINGTON, Bill for the discontinuance of the Four Courts Marshalsea (Dublin), and removal of Prisoners therefrom, ordered to be brought in by The Marquess of HARTINGTON and Mr. Secretary BRUCE.

Bill presented, and read the first time. [Bill 265.]

House adjourned at half after Two o'clock till Monday next.

## HOUSE OF LORDS,

Monday, 28th July, 1873.

## MINUTES.]—PUBLIC BILLS—First Reading—Langbaugh Coroners\* (248).

Committee—Salmon Fisheries\* (215-249); Metropolitan Tramways Provisional Orders\* (229).

Committee—Report—Extradition Act (1870) Amendment\* (235).

Report—Revising Barristers\* (244); Turnpike Acts Continuance, &c.\* (245).

Third Reading—Militia (Service, &c.)\* (237), and passed.

Royal Assent—Exchequer Bonds (£1,600,000) [36 & 37 Vict. c. 54]; Intestates Widows and Children [36 & 37 Vict. c. 52]; Prison Officers Superannuation (Ireland) [36 & 37 Vict. c. 51]; Highland Schools (Scotland) [36 & 37 Vict. c. 53]; Medical Act Amendment (University of London) [36 & 37 Vict. c. 55]; Treasury Chest Fund [36 & 37 Vict. c. 56]; Consolidated Fund, &c. (Permanent Charges Redemption) [36 & 37 Vict. c. 57]; Military Manoeuvres [36 & 37 Vict. c. 58]; Tramways Provisional Orders Confirmation [36 & 37 Vict. c. cxcvii]; Drainage and Improvement of Lands (Ireland) Provisional Orders (No. 3) [36 & 37 Vict. c. cxcviii]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2) [36 & 37 Vict. c. cxcix].

ENDOWED SCHOOLS COMMISSIONERS  
—DENBIGH FREE GRAMMAR SCHOOL.

## EXPLANATION.

THE MARQUESS OF RIPON said, that in compliance with a request from the Rector of Denbigh, he wished to correct a statement he made on a former evening with reference to the schools with which the Endowed Schools Commissioners had proposed to deal. It appeared that a deduction of some £17 a-year had been made by the Education Department from the Government grant to the elementary school because of the endowment. He must, however, say that he did not think that fact in any way affected the argument he addressed to their Lordships on the occasion to which he had just referred.

## OFFICERS OF HER MAJESTY'S ARMY—

## ABOLITION OF PURCHASE.

## THE QUEEN'S ANSWER TO THE ADDRESS.

The Queen's Answer to the Address of Monday last *reported* by the Lord Steward, as follows, viz.:

"My LORDS,

"I have received your Address, praying that a Royal Commission may be issued to inquire into the allegations of the officers of my army as to the grievances which they state that they suffer consequent upon the abolition of Purchase:

"The terms of the pecuniary indemnity provided by the Army Regulation Act for the officers of the Army upon the abolition of the system of Purchase were adopted by Parliament upon a very full and long continued deliberation. I am advised that to refer for consideration to Commissioners nominated by the Crown any allegations of grievance which involve the principle of the pecuniary settlement so deliberately incorporated in the Act would be a course not warranted by usage, and that it would be likely to be attended with serious inconvenience:

"I have reason to believe that the provisions of the Act have been carried into effect in a liberal spirit by my government and by the Army Purchase Commissioners:

"I have also directed that certain cases which have appeared to fall within the principle of the Statute, though they were not formally included in its words, should be submitted in the annual votes to the favourable consideration of Parliament, by whom the votes for this purpose have been approved; and I will now direct that the

allegations contained in the memorials which have formed the subject of your Address shall be carefully examined by a Royal Commission in order to ascertain whether any of them fall within the principle of and may properly be dealt with by the same form of proceeding."

MARRIAGE OF H.R.H THE DUKE OF  
EDINBURGH.

## MESSAGE FROM THE QUEEN.

Message from The Queen—*Delivered* by the Earl Granville, and read by the Lord Chancellor, as follows:

"VICTORIA R.

"Her Majesty having agreed to a marriage proposed between His Royal Highness Alfred Ernest Albert Duke of Edinburgh, Earl of Kent, Earl of Ulster, Duke of Saxony, Prince of Saxe-Coburg and Gotha, and Her Imperial Highness the Grand Duchess Marie Alexandrovna, only daughter of His Majesty the Emperor of All the Russias, has thought fit to communicate it to the House of Lords:

"The numerous proofs which the Queen has received from the House of Lords of their loyalty to the Throne, and of their attachment to Her person and family, leave Her Majesty no doubt of their readiness to concur in enabling Her Majesty to make a further provision for His Royal Highness: V.R."

Ordered, That the said Message be taken into consideration *To-morrow*.

## EAST AFRICA—THE SLAVE TRADE.

## OBSERVATIONS. RESOLUTION.

LORD CAMPBELL: My Lords—In rising to make a few remarks upon the Notice I have given, I am in want—although not for a long time—of much indulgence from your Lordships. When I first brought the subject forward, more than 10 years ago, I could depend on the support of Lord Brougham, who, in the ordinary lapse of time, has passed away, and of a right rev. Friend, whose recent fate has suddenly withdrawn him from our body. To be deprived of such pre-eminent allies would be sufficient to weigh down the mind of any man, if it was not weighed down already. As regards the right rev. Prelate, I will not attempt to heighten the tributes which in this House have lately been devoted to him; still less to enter into rivalry with all the pulpits of the town, in which, a few hours ago, his qualities were handled. On a theme of this kind,

which comes home to me from many special circumstances, except in those who may be leading an Opposition or a Government, it is scarcely prudent to betray our thoughts to a political Assembly. But it is my duty to inform the House with the accuracy of a witness, of the degree to which the lamented Prelate was a party to the Resolution I shall offer to them. Some weeks ago when he was invited to correct it, he approved of every phrase and every particle which it contains. He engaged to be here at 5 o'clock to-day in order to support it. He expressed a sanguine hope that it would be adopted by the Government, and determined to exert his influence upon the noble Earl the Secretary of State for that result. It will hardly be denied therefore that, if sufficient argument is found to recommend it, to adopt the Resolution would be a homage to the memory which all desire to exalt. I know no shorter method of engaging the House to such a course than a reference to the case by which, in 1860, your Lordships were induced to address the Crown, in order to restore our Consular authority in the Portuguese possessions of East Africa, since, unfortunately, the same arguments which then prevailed continue to be relevant. I will not state them fully, as they were mixed up with international transactions and party struggles which ought not to be revived. It was contended by Lord Brougham, the right rev. Prelate, and myself, that Portugal had entered into treaties with Great Britain for the prevention of the slave trade on the Eastern Coast of Africa, that for years remonstrances, despatches, and anathemas had gone to Lisbon as regards their non-observance; that at last it was resolved to appoint a British agent on the spot who would be able to watch the colonial officers of Portugal, and keep them on the path Great Britain perfunctorily insisted on. We pointed out that during his residence the Vice-regal power at Mozambique was strenuously exerted against the slave trade, and that in one of its most insidious branches. When temporary difficulties occasioned his withdrawal it was essential, we maintained, that the function should not cease, its necessity having been placed beyond the reach of doubt, and its advantage having been triumphantly established. We touched on the commer-

cial argument, and the lamented Prelate in particular insisted that unless your Consular authority enlightened them, darkness would always hang over those waters, under which no traffic could grow up, except the traffic he was in the habit of denouncing. We were not so rash as to deny that the French Government, who at that time were engaged in transporting negroes to Réunion, viewed the British agency as something of an adverse force; but we denied that such a fact was a sufficient ground for its extinction, or that the French alliance, if it tended to retard our policy against the slave trade, would any longer be esteemed among the people of this country. Your Lordships were not determined by what fell from us alone. The noble Earl the Secretary of State, the noble Duke who at that time presided at the Admiralty, the noble Earl who now directs the Colonies, came forward to oppose us, and said whatever could be said against the Motion. The majority in our favour included several adherents of the Government, and the opinion of the public out-of-doors decidedly supported it. I shall, therefore, ask the House what new considerations have been evolved by time in support of our former case, which time has not substantially affected? The first is, that Sir Bartle Frere, in a despatch of the blue book, confirms all we had advanced, and urges the re-appointment we demanded. The next is, that during 10 years Great Britain has been accountable for the lamentable traffic she was on the verge of utterly annihilating; and which would not now exist if the voice of this House, instead of being neglected, had been listened to. Popular attention is more directed to the subject than it used to be; a considerable body in connection with the Anti-Slavery Society have instructed me to urge it on the Government, and there is not the slightest pretext for inaction. Events have taken place by which the Sovereignty of Portugal has been a good deal undermined upon that coast. Events are not improbable in which the want of British agency from Cape Delgado to Delagoa Bay would be remarkably disastrous to our objects. It is useless to arrest the slave trade from Zanzibar, as we hope to do, while it is flourishing—and on this point Captain Sullivan and Captain Colomb, two naval officers, have given

recent evidence—for 900 miles to the south of that dominion. My Lords, society is under a delusion if it imagines that to check the slave trade from Zanzibar is to deliver Eastern Africa from its oppression. If it is to leave that coast, it is more desirable that its guilt should fall upon an Arabian than on an European Power—that it should proceed at a considerable distance from, than in close proximity to our colony of Natal. Last of all the Treaty with Zanzibar, which has been just negotiated, cannot be expected to have much practical effect if the Sultan is aware that from the conterminous dependency of Portugal slave trade is going on unwatched and unrestrained. This view is strengthened by referring to the mission of Sir Bartle Frere, of which as yet I have said nothing. You Lordships well know that since the return of Sir Bartle Frere, a Treaty has been obtained which the Sultan would not grant while he was present. How far it may be traced to the exertions of Sir Bartle, and how far to those of Dr. Kirk the resident, is a secret in the inner conscience of the Sultan. At first sight the conduct of the Sultan seems to be inexplicable. According to an acute and eminent historian, referring to a potentate of Africa, *Regia voluntates, quum vehementes, tam mobiles, ex quo etiam ipsi adversa.* "The will of Sovereigns is vehement as variable, and often clashes with itself." It is possible, however, that the Sultan may have been guided by a deeper train of thought than it is usual to ascribe to him. He may have seen that in the end the Treaty was inevitable and yet have resolved to inflict a deep humiliation on the Government which asked for it. As it was generally thought that France inspired his resistance, for many weeks he held up this country as having been deceived by an ally who wanted its support, and baffled by a State whom it had lately called into existence. At last he flung before the Consul what he had denied to the Ambassador and thus proclaimed the inutility of the mission which had taken place while he disarmed the hostile preparations likely to succeed it. In dealing with a mind so resolute, so guarded and vindictive, we should not venture on a weak or an assailable position. But our position towards him will be of this character, so long as the Portuguese possessions in his neighbourhood are

left without a British representative. It will be open always for the Sultan to remark, when he is taxed with an imperfect execution of the Treaty—is there to be one law for the Mahometan and another for the Christian? Is slave trade only to be persecuted when joined to a faith which either sanctions or extenuates it? To the north of Cape Delgado shall it be rooted out, while to the south of that point it is allowed to flourish with impunity? Is it to be denied to Zanzibar, while Portugal, whom Britain guards upon the map of Europe, is tacitly invited to engage in it? My Lords, unless these questions had been easy to suggest and difficult to answer the Treaty would have been more rapidly negotiated; and until their foundation disappears we have not any moral right to count on its observance. Well, my Lords, if the former case was accepted by the House as irresistible, if nothing has occurred to shake it, if late events have given it a basis of which it did not stand in need, there would be no excuse for a protracted statement upon my part. It will scarcely be contended that the Resolution is unnecessary after the long delay which has occurred and the mysterious reluctance which has seemingly occasioned it. The only class of minds to which the Resolution ought to be obnoxious, is the class of minds who question our policy in Africa, and who deny that European wealth ought to be made a stepping-stone to a contingent, a remote, as yet, at least, an unattained civilization. No doubt that class of minds deserves to be respected. The idea which first sent our ships to either coast of Africa may be seen in many lights. Its origin is generally traced to 1815. At that time emerging from a struggle which aspired to the deliverance of Europe, the country was disposed to effort in another sphere, which to a colder or less excited age may wear the aspect of extravagance. To blockade the best part of a Continent, to fertilize inhospitable deserts, to regenerate the lowest race of bondsmen and barbarians, to stop a traffic which had darkened the ocean for 1,000 years, and which many States were interested in preserving, appeared to be a feasible exertion to those who had contended against the genius of Napoleon, not only for the balance of power but the safety of their homes. The

*Lord Campbell*

project may have been too great for modern statesmanship to enter on. But the illustrious Duke who commands the Army of the Queen explained to us not long ago that public undertakings which ought not to be begun, are not on that account to be unfinished or abandoned; the more when a considerable outlay has already been devoted to them, from which you are entitled to some return, although it might have been more cautiously or more judiciously invested. Your Lordships might be disposed to add that honour will sometimes demand the end, when prudence has not wholly sanctioned the commencement. Since its cost is insignificant to neglect this measure any longer would be rather a concession to fatigue than to economy. Fatigue, however subtle and imperious its action upon men, is not so easily permitted to communities. From their perpetually renewing elements they are less exposed to age and to exhaustion; to the corroding indolence and deadly lassitude by which individual efforts are too frequently restrained. For them it is more practicable to revive the warmth of an original design amidst the languor, scepticism, and disgust, by which its final execution is inevitably thwarted. For it should not be forgotten that when our Consular authority in the Portuguese possessions is revived, no further steps on this extensive subject will be called for. The naval power will adapt itself to the want the Consular authority discovers, and be directed by the knowledge it acquires. The Treaty with Zanzibar will have an outwork to protect it. The triumph we have gained upon the Western Coast will be unquestioned unless, the market of Brazil or Cuba should unhappily revive. Your steamers will plough the waves from Aden to the Cape, although not at so grand a cost as that designed by the Treasury. A long and what appeared a hopeless labour will be crowned at last. Great Britain will have gained a laurel which time can hardly strip away; and on Africa, so far as it is connected with the slave trade, the ear of Parliament will enjoy a long, a well-deserved, an often coveted repose—to which, that I may hasten to contribute, I move, without another observation, the Resolution of which I have given Notice.

*Moved to resolve, That in the opinion of this House late proceedings and events in East Africa render it desirable that the consular authority of Great Britain in the Portuguese dominion from Cape Delgado to Delagoa Bay should now be re-established.—(The Lord Campbell.)*

EARL GRANVILLE said, that when last he had occasion to make a statement to their Lordships' House on the subject of the Mission of Sir Bartle Frere, he stated that the Mission had been a complete success except on one important point. He had succeeded in renewing our Treaties with the principal Chiefs on the Persian Gulf, and had concluded one with the Imaum of Muscat, and another with other influential Princes; but he failed in completing a Treaty with the Sultan of Zanzibar. With that potentate Dr. Kirk has since concluded a Treaty. Sir Bartle Frere, in visiting numerous places, had collected a fund of most valuable information for Her Majesty's Government. By his investigations he had been able to confirm much that was already known here, and also to inform the Government of additional facts. He had communicated many things and made many suggestions in reference to creeks, to interpreters, and to Consular agents in the Portuguese settlements and elsewhere, and, generally, as to the best means of putting an end to the capture of slaves. To all this Her Majesty's Government were giving their most anxious consideration. But it was not a subject that could be dealt with by one Department only—the Foreign Office, the Indian Office, and the Treasury were all acting in the same spirit, and were all considering what ought to be done. At the beginning of the Session Lord Derby gave the Government a prudent advice—that they should not be led away by the philanthropic object in view so far as to incur unlimited difficulty and expense. The Government would keep that warning in mind, while at the same time they would do whatever might be necessary to deal efficiently with this horrible traffic on the East Coast of Africa. But clearly this was a matter which would require a little time, in order that the Government might come to a determination, after consideration, how to carry out their intentions in the most efficient and the best way. Under these circumstances, he hoped the noble Lord

would not think it necessary to press his Motion.

THE MARQUESS OF SALISBURY joined in the suggestion that the noble Lord should not press his Motion to a division. All must admit that the Foreign Office had not departed from the position of English statesmen—that this slave trade ought to be put an end to. The conduct of the noble Earl at the head of the Foreign Office in conducting these negotiations had been marked by conciliation and kindness. Having been successful in reference to one of the outlets of the slave traffic on the Eastern Coast of Africa, they had every reason to believe that proper precautions would be taken for preventing a continuance of it through other outlets. He believed that they had better leave the matter in the hands of the Government; because if they came to any decision in that House upon the subject it would attract unnecessary attention in foreign countries, and would tend rather to defeat the object which the noble Lord sought to accomplish. The difficulty lay rather with foreign nations than with our own, and he thought that the best way would be to take the assurance which had been given, and resign themselves to the action of the Government.

LORD CAMPBELL, in reply, said, that he was quite unable to concur in the proposition of the noble Earl the Secretary of State that this measure might be fairly left to the discretion of the Foreign Office. If that was so, why, for ten years and upwards, had it been neglected without a shadow of defence? If it could be so left, why, when Sir Bartle Frere went out to Zanzibar, was the vacancy in the Portuguese Possessions suffered to remain, although demonstrably calculated to weaken his appeals, and even paralyze his Mission? In spite of a remonstrance from the House of Lords, in spite of new and pressing reasons for obeying that remonstrance, the measure had been year after year withheld, and they were now asked to confide in the despatch of the authority which had so pertinaciously withheld it. The case for interference from their Lordships could not be resisted; but if the noble Earl and the noble Marquess had united to prevent it he should divide the House in vain. He should also give the House the unworthy and undignified appearance of reversing

the decision at which they had arrived so long ago, when stronger grounds than ever for maintaining it existed. He would therefore withdraw the Motion. But the public out-of-doors would see that the responsibility of its withdrawal did not rest with him, but with the noble Earl and the noble Marquess who prevented its adoption.

Motion (by leave of the House) withdrawn.

#### STANDARDS COMMISSION, 1870—

#### WEIGHTS AND MEASURES.

#### OBSERVATIONS. QUESTION.

LORD OOLCHESTER rose to call attention to the Report of the Standards Commission, 1870, relative to inspection of weights and measures, and asked, Whether any legislation on the subject was contemplated? The Standards Commission, of which he had had the honour to be a Member, had inquired very carefully into the subject. They reported that in various parts of England the weights and measures differed very much, and the system was so defective that weights and measures were in many places false. In some parts of the country the inspection appeared to be satisfactorily carried out, in some it was indifferent, and in some it was altogether unsatisfactory. In small shops particularly, articles sold by weight were often found deficient. It was not to be supposed that the manufacturers of scales and weights were to blame for the frauds committed on the public; but he had heard of a case where an order was given for scales and weights for Australia, which were expressly directed to be false. In this case the order was indignantly declined, but it was plainly the intention of the parties giving that order to cheat the purchasers. He thought it objectionable that the Inspectors of Weights and Measures in small towns should be appointed by the town councils; because many of the members of those town councils were small shopkeepers, with whom they would, in the transactions of their business, have intercourse. The Commission reported so long back as 1870, and the subject had not been touched since. There might be some practical difficulties in the way; but he thought their Lordships and the country should have some information as to whether the Government meant to intro-

duce any important changes, and that such changes, if contemplated, would not be much longer delayed. True, the question was not an exciting one; but it was an important one, nevertheless, because it had direct relation to the suppression of dishonest practices, and affected in no small degree the welfare of the poor.

EARL COWPER admitted that the question introduced by the noble Lord was an important one. The Government were alive to its importance and the suggestions of the Standards Commission were receiving their careful consideration; but, owing to the great pressure of legislative business, they had not yet been able to completely frame a measure on the subject. He agreed that the present system of inspection was most irregular and unsatisfactory, and that there was great need of some central control over the Inspectors, and he thought that that general supervision might be properly committed to the Board of Trade. He hoped that next Session a Bill on this subject now under the consideration of the Board of Trade and partly prepared would be introduced.

#### ACHIN.

##### ADDRESS FOR CORRESPONDENCE.

LORD STANLEY OF ALDERLEY called the attention of the House to the affairs of Achin, and to move an Address to Her Majesty for a Copy of the Correspondence relating to the abrogation of the Treaty of 1824. The noble Lord said that a Convention was signed at the Hague on the 2nd November, 1871, and ratified February, 1872, between Her Majesty and the King of the Netherlands for the settlement of their relations in the Island of Sumatra. That Convention was presented to Parliament in 1872; but it did not appear to have attracted any attention till this year, when its effects made themselves felt. The Convention abrogated that part of the Treaty of 1824 between Great Britain and the Netherlands which prevented the Dutch extending their dominion in Sumatra north of the Line. No cause had been shown for signing this Convention. Its effects had been most injurious to British interests; and the interests of this country in the Indian Ocean and Straits of Malacca, which should have been carefully watched over by the Go-

vernment, had been sacrificed to that department of the Colonial Office which looked after the West Coast of Africa, and which, in its anxiety to include the whole of that Coast within its jurisdiction, had saddled us with an Ashantee War, besides the other injurious effects to which he now wished to call the attention of their Lordships. The Treaty of 1824, which had subsisted for almost 50 years, had become part of the public law of the countries adjoining the Malacca Straits, as much so as the Treaty of Vienna was the public law of Europe; and Her Majesty's Government was not justified in abrogating it without regard to the interests and obligations which had grown up under it. Under this Treaty Her Majesty's subjects carried on trade with Bender Achin, and other parts of Sumatra, and the population of Sumatra had friendly relations with the British Straits Settlements, and trusted to the Treaty of 1824. This had been abrogated without any necessity even on the part of the Dutch, who had no grounds for quarrel with Achin, which had done them no injury. The Dutch had attacked Achin, and failed. There were grounds for hoping that they would not renew the attack, and that Her Majesty's Government might use their utmost endeavours to engage them not to renew it; for should it be renewed, and be successful, the fall of Achin would be ruinous to our prestige throughout Southern Asia, and the utmost dissatisfaction would be felt, not only by Her Majesty's European and Malay subjects in the Straits Settlements, but also by all the Malays in the Malay Peninsula, whose goodwill was very important to us. It was not only the prestige of this country, but also its commercial interests, that had been injured by this new Convention; for if the Dutch should carry out their designs of last spring the whole of the pepper trade of Penang would be lost. The Dutch system in Java, besides being one most opposed to freedom of trade, differed so little from slavery—for the Dutch called it unpaid labour—that it did not appear why Her Majesty's Government should have been desirous to promote its extension to the whole of the north of Sumatra, or why they did not make the necessary reservations on behalf of Achin, which State was entitled to expect that we should not forget its ancient independence, and a history

which at some periods had been brilliant;—for Achin was an independent State at the time when Holland was a Spanish province. After that time Achin exercised a great influence in the Malacca Straits, and sent out large fleets, which frequently engaged the Portuguese fleets victoriously. Rather more than 300 years ago Achin put itself under the protection of the Ottoman Porte, and the heavy guns which Sultan Selim sent as presents to the King of Achin were still to be seen at Pidir and Pasé. This fact was mentioned in a Dutch history of the East Indian Islands by Mr. Temminck. It was now for the fourth time that Achin had sought the protection of the Ottoman Porte. It might be asked why the Dutch had attacked the independence of a free State which had done them no harm, and this at a time when they had not yet recovered from the fears which they had good reason to entertain for their own independence after the late French war—for it was well known that a party in Germany aimed at absorbing Holland and acquiring the Dutch colonies, and a still larger portion of the Germans had been persuaded into the false belief that the Dutch would be not unwilling to be united or annexed to Germany. Under these circumstances, it was not a matter for surprise that a Dutch General should have been despatched to renew the attack upon Achin, under the auspices and with the encouragement of the German Minister at the Hague. But this policy was equally shortsighted on the part of Holland and Germany; on the part of Holland, because this aggressive policy must diminish the sympathies which would otherwise be felt for that country if its independence was menaced; and on the part of Germany, because if German hopes should ever be realized, and should Germany acquire Holland and a claim to the Dutch colonies—and Germany had as much and as little right to annex Holland as Holland had to attack and annex Achin—the recognition of that claim by England would be far more doubtful if Sumatra were included with Java. In such a contingency the conduct of Her Majesty's Government was already marked out by what took place when Holland fell into the hands of France at the beginning of the century; and whilst it might be possible that

Great Britain should acquiesce in the transfer of Java to other masters, it would be impossible for England to suffer Achin to pass into the hands of a strong military Power. For, as Admiral Sherard Osborn had recently pointed out, Achin was a station of extreme importance in maritime strategy; it commanded not only the Straits of Malacca and the China trade, but also the approaches to Rangoon and British Burmah. It was true that the new Convention gave to British subjects the right to trade with Indrapura, and with other Sumatran States that might become dependent on the Dutch Government; but it made a distinction between Her Majesty's European and Asiatic subjects, placing the latter under the exceptional and harsh Dutch legislation, and, as this trade was carried on by Her Majesty's Asiatic subjects, it would be much discouraged. But it was not only the policy of this Article which was bad—its legality also was doubtful; for after the words of Her Majesty's Proclamation on assuming the government of India, it was not open to Her Majesty's Government to contract to make distinctions between Her Majesty's British and Indian subjects, and the treatment to which they might be subjected and the amount of protection to be afforded them. The words of the Proclamation were—

"We hold ourselves bound to the Natives of our Indian Territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, We shall faithfully and conscientiously fulfil."

And, again, Her Majesty declared her will and pleasure—"That all shall alike enjoy the equal and impartial protection of the law." There was a case of a similar nature, that of the Free Blacks; the State of South Carolina had passed a law providing for the imprisonment of all negroes who might come to that State, and who were not slaves, for fear of their communicating ideas of freedom to the slaves. Under this law coloured sailors from the Bermudas and Bahama Islands on arriving in British ships at Charleston were clapped into prison. Lord Palmerston, however, never accepted that state of things, and protested against the validity of a law passed by one of the States in opposition to the rights of all British subjects under the general treaty with the United

States. There was one Article in this Convention which would have been perfect had it only been reciprocal, instead of being only in favour of the Dutch. The 4th Article provided that the Convention should remain without effect until it had received the approval of the States General:—and it was to be regretted that there was not a similar reservation in respect of the sanction of the British Parliament. In moving for the Correspondence relative to this Convention, he did not ask for any Correspondence with regard to the benefits to be obtained by bringing all the Gold Coast under British dominion and our troops into conflict with the Aahantees; but he asked for any Papers which would show on what grounds or by whose advice the Government sanctioned the abrogation of the Treaty of 1824, and the sacrifice of its valuable provisions without any necessity, advantage, or equivalent.

*Moved*, “That an humble Address be presented to Her Majesty for Copy of the Correspondence relating to the abrogation of the Treaty of 1824.” — (*The Lord Stanley of Alderley*.)

EARL GRANVILLE was understood to say that he had followed the policy commenced by the Earl of Clarendon, and pursued by the Earl of Derby, in regard to this question. He had been unable to follow his noble Friend's speech with perfect clearness, but he would answer it in the best way he could. The Treaty of 1824 failed to prevent the gradual annexation of the island by the Dutch. Under it England ceded to Holland all her possessions in Sumatra, and engaged to form no British settlement and conclude no treaty with any native Power there. This concession was made, in part requital for the cession of Malacca to England, and the withdrawal of Dutch objections to the British occupation of Singapore. Security against Dutch encroachments injurious to British trade was thought to be given by the Article which bound either party not to conclude treaties with native Powers detrimental to the other. But the Dutch annexed the territories of those Powers, and thus put their ports outside the Treaty by making them Dutch territory. The British Government protested in vain; and the Dutch continued their encroachments till in 1858 the whole of the East Coast which

faces our Straits Settlements was in their hands except the kingdom of Achin. The latest annexation was that of Siak, in taking which the Dutch took certain districts the sovereignty over which was disputed between Siak and Achin. But the Dutch were galled by our protests, though they neglected them; and when it became obvious that the Treaty of 1824 afforded no protection to our trade with Sumatra, we resolved to change our policy and endeavour to obtain that protection in exchange for our power of protesting. This is the principle of our conduct in the negotiations which have been pursued for the last 10 years and have now been brought to a successful issue. The Dutch have agreed to place British trade on an equality with Dutch trade in all the ports of Siak, and in any districts of Sumatra that may hereafter be annexed by them; and we in return have simply abandoned our right of protest against encroachments, past and future. In other words, we allow the Dutch to civilize Sumatra if they can, we ourselves being absolutely precluded from doing so; and we have gained substantial concessions in favour of British trade, which we could not have gained but for the growing liberal feeling in Holland. The supposition that we made a sacrifice in Sumatra in order to gain territory on the Gold Coast is exactly the reverse of the fact; for by taking over the possessions of the Dutch in the Gold Coast we conferred a benefit on them; and by concluding the Sumatra Treaty they have conferred a substantial benefit on us, since we have gained solid advantages whilst losing nothing. Nor is there any ground for the idea that we have treated Achin badly. In 1819, we formed, by Treaty, a defensive alliance with Achin, accompanied by an engagement that she should exclude the subjects of all Powers except England from a fixed residence in her dominions, and should not conclude a Treaty with any foreign Power without our consent. When, in 1824, we undertook to withdraw altogether from Sumatra, this Treaty became impossible; and it was consequently agreed that it should be modified into a simple arrangement for the hospitable reception of British subjects and vessels in the port of Achin. The modification was made, not by a formal deed, but by practice which, for half-a-century, has been fully under-

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stood both by England and by Achin. England has never claimed the exclusion of all Europeans except Englishmen from Achin. But, if our repudiation of the Treaty of 1819 has been negative, that of Achin has unquestionably been positive; for, in 1857, she ratified a Treaty of peace, friendship, and commerce with Holland, placing her in the position of the most favoured nation. If the Treaty of 1819 had been in force, this Treaty of 1857 would have been a direct breach of faith towards Great Britain; but we never made such an objection, knowing that the Sultan was perfectly justified in considering himself freed from his obligations. If, however, he is relieved, England is also relieved. The only engagement now in existence between the two countries is that which has, in practice, been always observed by Achin, that British vessels and subjects should be hospitably received in her ports. He really thought that the Government of this country had made a very good bargain in carrying out their new policy. The Treaty of 1824 had proved to be wholly impracticable, and he considered that his noble Friend had made out no case showing that British interests would be injured by the course which the Government had pursued.

*Motion agreed to.*

PUNJAUB, &c.—MOTION FOR A RETURN.

THE MARQUESS OF CLANRICARDE moved for a

Return of the services in the field of the army on the Punjaub frontier from 1849 to 1863 for which medals were granted; showing the strength of the force employed, the name of the officer who commanded, the number of casualties, upon each occasion separately: And for,

Similar Return respecting the Bazottee Expedition of February 1869; and to ask the Secretary of State for India, why the provisions of the Warrant of 1863, granting medals for frontier services, were not extended to the forces of which the last-named expedition was composed?

THE DUKE OF ARGYLL had no objection whatever to lay the Papers asked for upon the Table, although his noble Friend had inadvertently misnamed one of the documents. There was no "Warrant" of 1863, but a mere "General Order," providing that medals should be given to the soldiers engaged in the various expeditions between 1849 and

*Earl Granville*

1863. His noble Friend asked why similar medals were not granted to the forces employed in the Bazottee Expedition? That Question was capable of a very simple answer. Medals were only given upon the recommendation of the Government of India, who were the proper judges of the military merit displayed by the troops employed in that country, and as a rule, the recommendations of the Indian Government were never set aside by the Home Government. While, however, he had no objection to lay the Returns before the House, he must say that it was setting a bad precedent. Parliamentary agitation with respect to claims of this nature was a thing to be avoided. Public discussion of the merits of particular individuals and the services they had performed was calculated to weaken the discipline of the Army.

THE MARQUESS OF CLANRICARDE said, that in taking the course he had done he was not without precedent. A similar request had on one occasion been preferred by the late Duke of Richmond.

*Motion agreed to.*

#### LAW AGENTS SCOTLAND BILL.

##### COMMONS REASONS CONSIDERED.

Commons Reasons for disagreeing to certain of the Amendments made by the Lords (according to Order) considered.

THE LORD CHANCELLOR moved, not to insist upon the Amendments made by their Lordships.

THE MARQUESS OF CLANRICARDE regretted that his Amendments respecting the Writers to the Signet were not assented to by the House of Commons. He was sorry that a society which had shown such a good example of how legal business should be conducted, and which was calculated to produce such a good effect upon other societies connected with the practice of the law, should have been treated in such a harsh manner. Yet he did not at this period of the Session, and under the existing circumstances, wish to insist upon dividing the House respecting the matter.

*Motion agreed to ; Lords' Amendments to which the Commons have disagreed not insisted on.*

## BUSINESS OF THE HOUSE.

*Moved*, That for the remainder of the Session the Bill or Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays.—(*The Lord Redesdale*.)

Motion agreed to.

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,  
Monday, 28th July, 1873.

MINUTES.]—SELECT COMMITTEE—*Third Report*

—East India Finance [No. 354].

SUPPLY—*considered in Committee*—CIVIL SERVICE

ESTIMATES — SUPPLEMENTARY ESTIMATES —

NAVY ESTIMATES.

WAYS AND MEANS—*considered in Committee*—Consolidated Fund (£26,470,716).

PUBLIC BILLS—*First Reading*—Threshing Machines\* [270].

*Second Reading*—Expiring Laws Continuance\* [261]; Telegraphs\* [262]; Royal Naval Artillery Volunteer Force\* [264]; Four Courts Marahalsea (Dublin)\* [265]; Sanitary Act (1866) Amendment (Ireland)\* [266].

Committee — Report — Slave Trade (Consolidation)\* [249]; Constabulary Force (Ireland)\* [257]; Local Government Provisional Orders (No. 8)\* [244]; Statute Law Revision\* [240]; Public Health Act (1872) Amendment\* [238].

*Considered as amended* — *Third Reading* — Merchant Shipping Acts Amendment\* [253], and passed.

*Third Reading*—Endowed Schools Act (1869) Amendment\* [207]; Crown Private Estates\* [222]; Defence Acts Amendment\* [255]; Public Schools (Eton College Property)\* [251]; Conspiracy Law Amendment\* [263], and passed.

*Withdrawn* — Juries\* [35]; Local Rates and Taxes (Scotland)\* [256]; Entailed and Settled Estates (Scotland)\* [130]; Spirituous Liquors (Scotland)\* [247]; Vexatious Objections (Borough Registration)\* [37]; East India (Great Southern of India and Carnatic Railway Companies)\* [258].

IRELAND—FRANKFORD BENCH OF MAGISTRATES.—QUESTION.

SIR PATRICK O'BRIEN asked the Chief Secretary for Ireland, Whether his attention has been called to a Return presented to the House relative to the attendance of Magistrates at the Frankford Petit Sessions in the King's

County, which states the attendance of Magistrates at such sessions during the six months embraced by the Return to be that of the paid official Magistrate (alone) on five occasions, and on the remaining eight Petit Session days to have been nihil; whether he is aware that the attention of the Lord Chancellor of Ireland has been called to such non-attendance; and whether, failing the Lord Lieutenant of the County to recommend a gentleman of character, position, and intelligence resident in the neighbourhood who had expressed his willingness to attend the Frankford Bench, the Lord Chancellor of Ireland has declined to appoint this gentleman to the Commission of the Peace, on the sole ground that the local Lord Lieutenant's statement that his predecessor had declined to include this gentleman in the Commission, afforded in his the Lord Chancellor's judgment a valid excuse for such refusal; and, further to ask, what course the Government means to adopt to prevent a denial of justice to persons resident in the large district in and about the town of Frankford?

THE MARQUESS OF HARTINGTON said, in reply, that the attention of the Lord Chancellor of Ireland had been called to the non-attendance of the magistrates at the Frankford petit sessions, in the King's County. His Lordship had stated that he would take steps to communicate with the Lord Lieutenant of the county on the subject.

ELEMENTARY EDUCATION ACT—  
EXAMINATION IN MUSIC IN TRAINING SCHOOLS.—QUESTION.

MR. WINGFIELD BAKER asked the Vice President of the Privy Council, Whether Mr. Hullah's Report on his examination in Music of the Students in Training Schools, for 1872, has not been in print since February last; and if he will inform the House why it has not been circulated among Members; and, whether Mr. Hullah will not commence his examination for this year in the ensuing month; and, if so, if the General Annual Report is not immediately to be circulated, the Vice President of the Council will provide that the separate Report of Mr. Hullah be immediately circulated, so as to enable those who are interested in the cause of popular music

to make such representations to the Educational Department as may appear important?

MR. W. E. FORSTER, in reply, said, he hoped that it would be possible in the ensuing year to make arrangements for circulating the General Report, including the examinations of the students in training schools earlier than was possible this year. He did not think, however, that Mr. Hullah's Report on his examination in music could be issued separately. The fact of that Report having been in print since February last was no reason why the Department should publish it earlier than the other Reports, or that any different rule should be made in regard to it than obtained with other Reports.

**POST OFFICE—TELEGRAPHHS—RETURN MESSAGES.—QUESTION.**

MR. ALDERMAN W. LAWRENCE asked the Postmaster General, If he would consider the expediency of authorizing, for the benefit of the Revenue and of the public, the sender of a telegram to receive a reply not exceeding ten words on the payment of an additional sixpence?

MR. MONSELL: I have made inquiries, Sir, on the subject to which the Question of the hon. Member refers, and I am sorry to say that it would not be advisable to take the course indicated. The Department are put to exactly as much trouble in sending a reply, as in sending the original message; and we do not believe the number of replies would be so much increased by the reduction my hon. Friend proposes, as to justify us in making the change.

**COMMERCIAL TREATY BETWEEN AVA AND FRANCE.—QUESTION.**

MR. MACFIE asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House Copy of the Commercial Treaty or Commission recently negotiated between the Courts of Ava and France?

VISCOUNT ENFIELD, in reply, said, it was not usual to lay upon the Table of the House Treaties of Commerce concluded between countries other than our own. However, if the hon. Gentleman would move for a copy of the despatch of Lord Lyons relating to the treaty recently negotiated between the Courts

of Ava and France, there would be no objection to lay it on the Table.

**METROPOLITAN POLICE—LIGHTING OF CELLS.—QUESTION.**

MR. R. N. FOWLER asked the Secretary of State for the Home Department, Whether it is intended by the authorities to adopt, at the large number of Metropolitan Police Stations, a mode of lighting the cells similar to that successfully carried out in the six City stations of London?

MR. BRUCE, in reply, said, that for some months past arrangements had been in progress for lighting 38 cells in the interior district of the Metropolitan police district and 19 in the outer district, by the same mode as that adopted in the City police stations. The change would be extended to the stations in course of erection.

**ARMY—ADJUTANTS OF YEOMANRY REGIMENTS.—QUESTION.**

MR. BROCKLEHURST asked the Secretary of State for War, Whether the Reports of the Inspecting Officers of Yeomanry Cavalry, containing recommendations relative to the necessity of increasing the pay of Adjutants of Yeomanry Regiments, have been received; and, if so, whether it is the intention of the Government to comply at an early date with those recommendations?

MR. CARDWELL: Sir, one of the Reports has been received, but not the other. The subject is one which requires and will receive careful consideration.

**ARMY—MEDICAL DEPARTMENT—THE MEDICAL WARRANT.—QUESTION.**

MR. D. DALRYMPLE asked the Secretary of State for War, Whether he has been able to give the attentive consideration he promised to the representations made to him by the Parliamentary Bills Committee of the British Medical Association and other bodies on behalf of the Army Medical Officers affected by the recent Army Medical Warrant, and what the result of that consideration is?

MR. CARDWELL: Sir, the subject, which is one of much detail, has undergone careful consideration in the De-

partment; but I have not yet been able so far to consider it as to submit the result to the Treasury, which is a necessary preliminary to the submission of any modifications of the Warrant for the sanction of the Queen. No time shall be lost in taking the necessary steps, and an answer shall be returned without any unnecessary delay.

**AGRICULTURAL LABOURERS MEETING AT LEIGHTON BUZZARD—ALLEGED DISTURBANCE.—QUESTIONS.**

COLONEL GILPIN asked the Secretary of State for the Home Department, Whether, in consequence of a question by the noble Lord the Member for Calne (Lord Edmond Fitzmarice) on Wednesday last, relative to an alleged disturbance at Leighton Buzzard, county of Bedford, he has received any information on the subject; if so, whether he would be good enough to state the purport of that information, especially as it affects the conduct of the police on the occasion?

MR. BRUCE: Sir, since the Question was put by the noble Lord I have received a Report from the Chief Constable. One of the allegations made by the noble Lord on the information he had received, was that a policeman had challenged one of the speakers at this public meeting to fight. That and other statements were explicitly denied by the Chief Constable. I am further informed that the irritating language used by the speakers caused great excitement, and that the police experienced great difficulty in defending them from violence. Indeed, the safety of those gentlemen was due to the exertions of the police.

COLONEL GILPIN asked the noble Lord the Member for Calne, Whether he would state the authority on which his statement was based and on which he accused the Magistrates of conniving at illegality?

LORD EDMOND FITZMAURICE: Sir, in reply to the hon. and gallant Member, I wish to state that the evidence on which I based my Question was private information and newspaper extracts. As regards the names of my private informants, while having every wish to oblige the hon. and gallant Member, I do not think that I am under any obligation to mention them. At the same time, as the evidence was of

an *ex parte* character, I, for that reason, purposely framed my Question so as not to imply any personal guarantee of the accuracy of the account sent to me, though I have no reason to doubt the veracity of my informants. I wish to add that I had been informed, and I now find correctly informed, that the right hon. Gentleman the Home Secretary had had his attention called to the occurrences at Leighton Buzzard, and I was consequently under the idea that he might be able to give the House some authentic information as the result of inquiry on his part. It was, I have no doubt, owing to an oversight that he stated he had no information. I only allude to that part of the question as a personal justification. With reference to the charge that I accused the magistrates of conniving at illegality, I think the hon. and gallant Member will find if he looks at my Question, that I did not do so. What I said was, that that imputation was being disseminated in the country, and that it was desirable to take whatever steps were necessary to remove any apparent justification for it. I did not say I believed the imputation myself. I hope this explanation may be satisfactory to the hon. and gallant Member opposite.

MR. BRUCE said, that the Question was put down for Tuesday night. He came down when the House met, and was there until nearly three in the morning. It was impossible to make inquiries, and he was unaware of any such communication having been made as had been referred to. It was possible that the Under Secretary had communicated the information; but he (Mr. Bruce) had desired all the information to be sent to himself.

LORD EDMOND FITZMAURICE said, he was quite sure it was purely an oversight; but he was astonished when the right hon. Gentleman said he had received no information. As a matter of fact, he held in his hand the answer of the Home Office, which was entirely at the right hon. Gentleman's disposal.

**FORESHORES—ENCROACHMENTS AT TRURO.—QUESTION.**

COLONEL HOGG asked the President of the Board of Trade, Whether his attention has been drawn to the Report of Captain Graves on certain alleged en-

croachments on the shore of the river at Truro; and, whether such encroachments are in accordance with the order of the Board of Admiralty (made after the inspection and Report of Mr. Rendal, C.E., in 1841), which laid down that—

"No erection of any kind should thereafter be made on the shores of that part of the Truro river and harbour shown on that plan, without being first inclosed by wharf walls built in position and direction as shown by red lines on that plan?"

MR. CHICHESTER FORTESCUE said, in reply, that he found on inquiry that the facts were as follows:—A firm of merchants at Truro having bought some foreshore from the Duchy of Cornwall, submitted to the Board of Trade plans of works which they proposed to construct. The matter was referred to Captain Graves, the Inspector of the Coast Guard station, who reported upon it; and the Board acted upon his Report. With respect to the Admiralty Order of 1841, their jurisdiction had been transferred to the Board of Trade, who felt themselves at perfect liberty to alter a regulation made more than 30 years ago, if upon careful inquiry, it should seem desirable to do so. He was, however, instructed that the present case was not affected by the red lines shown on the plan referred to, which did not reach up as high as the site of the new works in question.

#### PARLIAMENTARY REPORTING IN THE COLONIES.—QUESTION.

MR. PIM (for Mr. MITCHELL HENRY) asked the Secretary of State for the Colonies, Whether he can give the House any information as to the system of official Parliamentary Reporting which exists in some of our Colonies?

MR. KNATCHBULL-HUGESSEN: Sir, there is a system of official reporting in some, if not in all of our principal Colonies. I have seen specimens to-day, and the work appears to be excellently done. Considering, however, the bulky volume which is required for the speeches delivered in Houses containing 70 or 80 Members, I confess that I should view with some apprehension the extension of the system to a Legislature numbering more than 650. The temptation to lengthy speaking afforded by the certainty of full reports would, I fear, greatly protract our Sessions. If

the hon. Gentleman wishes for specific information from the principal Colonies as to their precise systems, I have no doubt that I shall be able to obtain it for him before the re-assembling of Parliament next year.

#### TREATY OF WASHINGTON—BOARD OF ASSESSORS—CLAIM FOR AVES ISLAND.—QUESTION.

VISCOUNT SANDON asked the Under Secretary of State for Foreign Affairs, Whether the Aves Island is or was one of the possessions of the British Crown; and, if so, for what reason the claim of Messrs. Hayman and Co. was not referred to the Arbitration Commissioners?

VISCOUNT ENFIELD: Sir, the right of Great Britain to the possession of Aves Island was disputed by Venezuela, and the question was allowed to drop after 1856, without this country having abandoned its claim. Messrs. Hayman's claim was against the Government of Venezuela, who interfered to prevent them from exporting guano from the island. It amounted to £21,000, for which they received about £1,950. A similar claim of some United States' citizens was afterwards settled more advantageously, whereupon Messrs. Hayman transferred their claim from the Government of Venezuela to that of the United States; but Her Majesty's Government were advised that there were no grounds for such a proceeding, and refused to present it to the Commissioners at Washington. They were supported in their opinion by Mr. Carlisle, our counsel to the Claims Commission, and by the Law Officers of the Crown.

#### ARMY—WAR OFFICE—CHIEF CLERK, MILITARY DEPARTMENT. QUESTION.

MR. WATNEY asked the Secretary of State for War, Whether it is a fact that the Chief Clerk of the Military Department, whose appointment was struck out of the Army Estimates (which were in the hands of Members of the House of Commons in February last), has not yet been informed what provision has been made for him by way of superannuation; whether the Chief Clerk (Mr. Freeth), who has served nearly thirty-five years, retires voluntarily or in consequence of the abolition of his appointment; whether, as far back as the 4th

of April last, His Royal Highness the Field Marshal Commanding-in-Chief was pleased to recommend Mr. Freeth for full pay, or the highest rate of retirement to which his special services seemed to His Royal Highness justly to entitle him; and, whether such recommendation, together with Mr. Freeth's appeals of the 22nd and 25th of February, and 8th of March, containing high testimonials from Generals Sir Richard Airey, Sir Charles Yorke, and Lieutenant General Forster (under whom Mr. Freeth served) have been laid before the Lords Commissioners of the Treasury; and, if so, with what result?

**MR. CARDWELL:** Sir, the question between the War Office and the Chief Clerk of the Military Department, has only now been finally settled between the Departments, and therefore, the final result has only now been communicated to Mr. Freeth. He retires not voluntarily, but in consequence of the abolition of his appointment. The usual course has been taken—namely, that the recommendation of His Royal Highness has been laid by the Secretary of State before the Lords of the Treasury. The letters referred to in the Question were not given to me, except that of the 8th of March, on which the recommendation of His Royal Highness the Field Marshal Commanding-in-Chief was made, which formed the substance of the official letter to the Treasury. The Lords of the Treasury have assigned to Mr. Freeth a retiring allowance of 40-60ths of his pay, being the highest amount they considered they had it in their power to give under the Superannuation Act.

#### DUCHY OF LANCASTER—GUIDE OVER LANCASTER SANDS.—QUESTION.

**MR. F. STANLEY** asked the Chancellor of the Duchy of Lancaster, Whether the report that the guide over the Lancaster Sands has been or is about to be dismissed is correct; and, if so, whether it is contemplated to abolish the office?

**MR. CHILDERES:** Sir, in consequence of charges brought against the guide over the Lancaster Sands, a public inquiry was held, at my request, by the Chairman of the Ulverstone Petty Sessions. As the result of that inquiry I found it necessary to dismiss the guide

as from Michaelmas next. But, so far from abolishing the office, I propose to put it on a much more satisfactory footing. The justices have consented to appoint a committee who will supervise this officer, and I have every reason to hope that his duties will be more effectually performed.

#### SPAIN—RECOGNITION OF THE CARLISTS.—QUESTION.

**MR. CALLAN** asked the Under Secretary of State for Foreign Affairs, Whether the Despatches forwarded by Her Majesty's Representative at Madrid confirm the accounts received from other sources in Spain, that the Carlist cause is rapidly gaining ground in that Country and that Don Carlos is advancing on Madrid; and, if such be the case, whether Her Majesty's Government are prepared to consider the propriety of recognizing the supporters of Don Carlos as belligerents?

**VISCOUNT ENFIELD:** Sir, the information which can be obtained at Madrid respecting the operations of the Carlists is necessarily meagre; but from it and from the accounts in the public journals, it would seem that Carlist bands have over-run large districts in the north of Spain. Matters have not arrived at a state to call for a consideration of the question of the recognition of Carlist belligerent rights.

#### ROYAL COMMISSION ON LOSS OF LIFE AT SEA—MR. PLIMSOLL AND THE BOARD OF TRADE.—QUESTION.

**MR. SCLATER - BOOTH** (for Sir STAFFORD NORTHCOTE) asked the President of the Board of Trade, Whether he has yet had any Reply from the honourable Member for Derby to the inquiry addressed to him on the subject of the charges made by the honourable Member for Derby against the officers of the Board of Trade?

**MR. CHICHESTER FORTESCUE:** What has happened, Sir, is this—On the 8th July I wrote to the hon. Member for Derby calling upon him to furnish the names of the many officers of the Board of Trade whom he charged with corruption and bribery, or else to withdraw the charge. On the 18th of July I received a note from the solicitors of the hon. Member for Derby, stating that he was absent from ill-health, and

that they had reserved the letter until he should be in a condition to have it submitted to him. I must add that a few days afterwards I saw a letter addressed to the Editor of *The Times* by the hon. Member for Derby, in which he referred to a Question asked me in the House of Commons and my answer to it, and said it was necessary for him to take the advice of his solicitors and counsel before he answered my letter. The answer to my letter reached me on Saturday last, the 26th instant. It is a letter of considerable length, which will no doubt be made public without delay. It complains of the violent attack which, in the opinion of the hon. Member, I had made upon him by asking those questions; it alleges that the inquiry into the evils of the merchant service is being steadily resisted by the Board of Trade—the inquiry before the Royal Commission; it goes on to say—

"Here let me say that a money bribe is not the only form of corruption. Underhanded social pressure may be scarcely less mischievous and no less powerful than a gift in bank notes."

The letter then goes on to state three or four cases or classes of alleged misconduct by the Board of Trade which are most inaccurate and unfounded in point of fact and information, and which, if inquired into, would not afford any ground, in my opinion, for anything approaching to a charge of corruption. The letter then contains a passage which I am glad to read to the House. The writer says—

"Nevertheless, I have confidence in the independence, zeal, and ability of the Royal Commission as a whole, and I trust that its labours will result in the accomplishment of the objects I have in view."

The letter ends by proposing to refer the conduct of the Board of Trade to a Committee of this House, to be appointed by the Committee of Selection. What I have to say in answer to that is, that an inquiry into the conduct of the Board of Trade, if necessary, would be most legitimate; but that is not the question I asked the hon. Member. My question was, who were the individuals among the officers of the Board of Trade whom he accused of corruption, and the charges against whom it was my duty to investigate. The result is, that the hon. Member has furnished me with no materials whatever for investigation. He

has mentioned the name of no person; he has given no grounds of the slightest validity, even of a *prima facie* kind, to enable me to discover the unnamed and imaginary persons whom he charges with corruption. Under these circumstances I will not trust myself to characterize the charges that have been made against a number of officials whose character I am bound to protect. I shall leave it to the House and the public to judge of this case, because I hope the hon. Member will move for the Correspondence.

#### NAVY—CHATHAM DOCKYARD—NEW RIVER WALL.—QUESTION.

MR. J. B. SMITH (for Mr. Cawley) asked the First Lord of the Admiralty, Whether it is true that a portion of the new river wall supporting the extension of Chatham Dockyard has fallen or seriously given way; and, if so, what length of wall has been so affected, and whether there is any reason to fear that other portions of the wall may give way in a similar manner; and, whether he can give any estimate of the probable cost of re-instating the wall? He also wished to know whether the Government have abandoned the intention of erecting the new factory, for which no definite designs have yet been submitted, nor any provision made in the Estimates?

MR. GOSCHEN said, in reply, that it was not true that a portion of the wall in question had given way, therefore no apprehension was entertained as to further portions giving way. The Government had not abandoned their intention of erecting the new factory.

#### H.R.H. THE DUKE OF EDINBURGH.

##### THE QUEEN'S MESSAGE.

Message from Her Majesty brought up, and read by Mr. Speaker (all the Members being uncovered), as follows:—

##### VICTORIA R.

*Her Majesty having agreed to a Marriage proposed between His Royal Highness Alfred Ernest Albert, Duke of Edinburgh, Earl of Kent, Earl of Ulster, Duke of Saxony, Prince of Saxe Coburg and Gotha, and Her Imperial Highness the Grand Duchess Marie Alexandrovna, only daughter of His Majesty the Emperor of All the Russias, has thought fit to communicate it to the House of Commons.*

*Mr. Chichester Fortescue*

The numerous proofs which the Queen has received from Her faithful Ottomans of their Loyalty to the Throne, and of their attachment to Her Person and Family, leaves Her Majesty no doubt of their readiness to enable Her Majesty to make a further provision for His Royal Highness.

V.R.

**Mr. BRUCE:** In the absence of my right hon. Friend at the head of the Government, owing to indisposition, which I hope and believe is only a passing one, I have to make a Motion that this House will to-morrow, at Two of the Clock, resolve itself into Committee to consider Her Majesty's gracious Message; and I give Notice that my right hon. Friend will to-morrow, at the same time, move in Committee a Resolution on the subject. I have to express my extreme regret on account of the particular time this Message has been communicated, that I must throw myself on the courtesy of the hon. Member for South-west Lancashire (Mr. Cross), and to ask him to allow the Government to have precedence to-morrow at 2 o'clock over the Motion of which he has given Notice, and for which the Government had promised the use of that hour. The Government are anxious to make arrangements the most convenient for my hon. Friend and the House, and they therefore propose that his Motion shall immediately follow that of my right hon. Friend with reference to Her Majesty's Message. Supposing Supply is closed the Report will follow, and if it should be impossible to terminate the discussion at 7 o'clock, it will be resumed at 9 o'clock. The right hon. Gentleman concluded by making the Motion to which he had referred.

**Mr. ASSHETON CROSS** said, he would not for one moment do anything to stop the proceedings of the Government in reference to the gracious Message which they had just received from the Queen. He was quite content that his Motion should come on after the Message was considered, on the understanding that if the debate was not concluded, it should be resumed at 9.

**Mr. MUNDELLA** begged to remind the right hon. Gentleman the Home Secretary that the right hon. Gentleman at the head of the Government distinctly and emphatically promised to give Tues-

day evening for the discussion of the Factory Acts Amendment Bill.

Mr. BRUCE said, the promise of his right hon. Friend was carefully worded and was conditional. It was the intention of the Government to fulfil the promise as far as possible, and they proposed to make the Order for the resumption of the debate on the Bill of his hon. Friend the first Order for Wednesday.

*Motion agreed to.*

Committee thereupon *To-morrow*, at Two of the clock.

**PARLIAMENT — BUSINESS OF THE HOUSE.—PRECEDENCE OF GOVERNMENT ORDERS.**

Mr. BRUCE moved, that on Wednesday next, and every succeeding Wednesday, Government Orders of the Day do have precedence.

Mr. OSBORNE said, that the result of the proceeding just taken by his right hon. Friend would be to prevent any private Member from bringing forward any subject. He would, therefore, ask the Secretary of State for War, whether, and when, he intends to nominate the Royal Commission on Officers' grievances arising from the Abolition of Purchase? He had been unable to give Notice of the Question; but after what had occurred "elsewhere," the right hon. Gentleman would, no doubt be prepared to answer it.

Mr. CARDWELL said, an Answer to an Address from the other House of Parliament ought, in the first instance, to be communicated to that House. When that Answer had been given, he should be able to afford the hon. Gentleman any information he desired.

Mr. OSBORNE said, he would take the earliest opportunity of calling attention to the subject.

*Motion agreed to.*

**SUPPLY—CIVIL SERVICE ESTIMATES.**  
Order for Committee read.

**SUPPLY—considered in Committee.**

(In the Committee.)

**CLASS I. PUBLIC WORKS AND BUILDINGS.**

(1.) £57,800, to complete the sum for New Courts of Justice and Offices.

MR. CAVENDISH BENTINCK wished to know from the First Commissioner of Works, what progress had been made with regard to the erection of these buildings, and whether it was true, as reported, that the Government were going to proceed to the erection of a stone groined ceiling for the Central Hall—an erection which would require to be supported by heavy buttresses?

MR. W. FOWLER asked what had been done with respect to the completion of the contract?

MR. AYRTON said, the Government had accepted a tender not for the whole of the works for which tenders were originally asked, but for those works with certain deductions. Specifications in detail had been examined, and were now being completed. The plans had been brought to that stage when they could be annexed to the contract, and the matter now was in the hands of the solicitor to the Office of Works, and the solicitor to the contractors and the architect. It was true that a stone groined ceiling was going to be erected in the Central Hall in accordance with the design of Mr. Street, and that it would have to be supported by buttresses which would take up considerable space. Professional opinions were very much divided on the subject, but it was intended to adhere to that design. Copies of the plans and drawings would be shown to any hon. Members or to the legal profession or others who had a right to see them, but it would not be possible at present to exhibit them to the public.

MR. SCLATER-BOOTH asked when the work would be proceeded with?

MR. BOWRING wished to know with reference to the New Courts, whether it had been finally determined to use wood rather than tiles for the flooring? In the case of the new National Gallery, the First Commissioner had unfortunately resolved to introduce wooden floorings throughout, in opposition to the views of the architect and the general feeling in favour of tiles.

MR. ALDERMAN W. LAWRENCE asked whether the contract for the building of the New Courts would be within or something near the original estimate, and whether the extent of the buildings had been reduced in order to bring them within the original estimate of cost? He understood there had been a rise of

6 per cent on ordinary labour, and 10 per cent on skilled labour.

MR. GOLDSMID expressed a hope that the contract would be signed as early as possible, so that there should be no further postponement.

MR. GREGORY said, it would be satisfactory to the members of his profession to know that there was at last a chance of the work being begun.

MR. AYRTON said, that the building would, like other buildings in this country, be constructed with a wooden flooring; but due precautions would be taken against fire. Of course a contract could not be entered into without reference to changes in the price of labour in the market. With regard to the expenditure, it would be more than had been sanctioned by Parliament. The estimate was £750,000; he was not in a position to state the exact amount of the excess, but it would be a considerable sum. That, however, would be a question between the Treasury and the House. If the policy under which these Courts of Justice were being built should be adhered to, application would be made to Parliament next Session to sanction an increase of expenditure, and to charge it upon the fund specially appropriated for the erection of these buildings. The present contract would be signed as soon as all the preliminary steps had been taken.

LORD ELCHO believed the question was not answered—namely, whether any alteration had been made in the contract to meet the increased price of provisions and the cost of labour. He would also ask whether, as in the case of the Natural History Museum at South Kensington, any changes would be made in the form of the building in consequence of the change in prices?

MR. AYRTON said, he had already stated that the Government had accepted the tender for the works as specified by the architect, subject to certain deductions he had proposed—which might be generally described as economies in the construction of the buildings, the general form of the building remaining the same.

*Vote agreed to.*

(2.) £207,445, to complete the sum for Consular Establishments Abroad, &c.

MR. SCLATER-BOOTH, in accordance with Notice, called attention to the

Report of the Committee on Consular Services which was laid on the Table last Session, and enquired whether it had been considered by the Foreign Office as a whole and in detail, and whether the opinion of the Secretary of State and of the proper officers of the Department had been placed on record respecting it? This might seem a superfluous inquiry, but the fact was that the Committee, having occasion to refer to the Reports of two previous Committees, one of which—that of 1858—was of an elaborate and detailed character, stated that they were unable to say that those recommendations were ever taken in hand and examined. The Committee made two recommendations, one of them of a very stringent and urgent character. One of them was that a classification and organization of the Consular offices should be made and introduced tentatively only, so as to avoid the necessity of pensioning off a large number of officers capable of rendering considerable service to the country. The second recommendation was very important, because it was in conflict with the recommendation of a previous Committee. That Committee said that the unpaid Consular service was a thing to be discouraged; but the last Committee thought that excellent service might be rendered by foreign merchants undertaking the duty of Consul and recouping themselves by means of fees, and they recommended that some clear distinction of title should be made between paid and unpaid Consuls. The service in China, Japan, and Siam was supplied by persons going out in their youth for the purpose of learning the language. Little change was recommended as to these establishments, but the Committee thought the expenses at Siam might be considerably reduced. Had the noble Lord become acquainted with a serious defalcation? £2,000 had been appropriated by the acting Consul at Hankow who had left the country and not been heard of since? Great difficulty was experienced by the Committee in reconciling the claims made by the Consuls to increased salaries, owing to the increase of prices, with the necessary requirements of the public service; and he did not know that they would have been able to arrive at any satisfactory conclusion if they had not received valuable evidence from a gentleman in the Foreign

Office (Mr. Kennedy) who gave it as his opinion that all the necessary increase of salaries might be provided for by reductions which he saw were feasible in the service as now constituted. This able and intelligent officer made a journey to the Levant, visiting many of the Consulates there, as to which there had been most difference of opinion in this House; and from his statement the Committee gathered that a great deal too much tenacity had been shown by the Foreign Office in retaining the Consulships of the Levant. Some of these Consulships had recently been suppressed, and if the recommendations which had been made were carried into effect, they would cause the suppression or reduction of several more. The same remark applied to the Consulates in Morocco. The noble Earl at the head of the Foreign Office had had the opportunity of reducing two or three, but still further reductions were necessary there. It was the opinion of the Committee that this gentleman, who had shown so much capacity, might be usefully employed by the Foreign Office in visiting other parts of the world, especially the coasts of France, Spain, and Portugal, with a view to some more comprehensive plan of reducing the Consular establishments. The North German and Americans, for example, had a more simple and cheaper organization than we had, by means of Consuls General who supervised a long stretch of coast, and officers subordinate to them carried on the detailed work at less expense. Then the evidence which had been given before the Committee showed that the Consular Service in America was not in a satisfactory condition, and it also appeared that the Consuls were inadequately paid in several parts of the world. No doubt it was for the interest of the community that there should be proper Consular establishments throughout the world—Consuls had functions to perform of a legal and notarial character, which, as all agreed, should be paid for by the levy of fees as for services rendered to private individuals, and it was desirable that the discharge of their duties connected with shipping and the like should, as far as practicable, be paid in like manner by the persons resorting to them for such purposes, while the residue of their remuneration should be provided by Parliament. It had been suggested that the last mentioned payments might be

commuted for a small tax on British shipping—an arrangement by which, if the shipping interest consented to it, matters might be greatly simplified. Consuls were guided in the performance of their duties, in a great degree, by regulations issued by the Foreign Office and the Board of Trade, and the Committee recommended that the regulations issued to them by the Board should be reconsidered. In conclusion, he asked whether the noble Lord the Under Secretary of State for Foreign Affairs was prepared to make any statement to the Committee on that subject?

MR. RYLANDS, as a Member of the Committee, thought the subject was one well deserving the attention of the House. There were many points in respect to which, if the views of the Select Committee had been carried out, considerable economies might have been effected. Some reduction in that matter had, indeed, been made by the Foreign Office, but last year the net decrease was only £37, because while there was a nominal reduction of £2,863, it was counterbalanced by other increased charges amounting to £2,826. The noble Lord the Under Secretary ought to state what the Government had done to give effect to the Report of the Committee on the Diplomatic and Consular Services. The Foreign Office very rarely carried out recommendations effecting economy, but appeared always happy to carry out those involving additional expenditure; and in this case, considerable impression might be made on their Consular expenditure, if the recommendations of the Committee were carried out in a right spirit. One of these recommendations was the general appointment in the small trading centres of Vice Consuls in the persons of merchants, who would be glad to undertake the duty simply for the *honorarium* or fees they would receive. In many subordinate places respectable merchants would be glad of the distinction that would attach to holding the office of Consul or Vice Consul, and to discharge the duties for fees. Economy might be further effected in many places by the consolidation of the Diplomatic and Consular Services. In China, Japan, and parts of America, we had Representatives holding Diplomatic as well as Consular offices; but in Stockholm, Copenhagen, St. Petersburg, and Lisbon, we had both Ministers and

Consuls. In these cases the Consular duties might very well be discharged by resident members of the Diplomatic Service. By consolidation something like £50,000 a-year might be saved. Unless something was done next year, he hoped the hon. Gentleman opposite the Member for North Hampshire would give them an opportunity of voting for the reduction of the Vote.

MR. OTWAY was not surprised that the hon. Gentleman opposite had called attention to the subject, seeing that so little result had followed the recommendations of the Committee to the appointment of which Lord Clarendon assented, which examined Lords Clarendon, Derby, and Malmesbury, and which investigated the whole subject so thoroughly. The evidence given was sifted with very great care, and after due consideration the Committee made their Report; but hardly anything had been done in consequence of that Report:—the tendency of Departments was generally to do nothing, if they could avoid the trouble. Having served on that Committee, he was satisfied that considerable economy might be effected by a consolidation of offices, and by taking advantage of the facilities afforded by railway and telegraphic communication, instead of keeping a great number of officials in inferior positions. It was incumbent on the Government itself to take some action in this matter, or else, when a similar question was raised again, the House would perhaps refuse to be satisfied with a Committee, when they could have no security that its Report would be attended to. The Report of the Committee in this case was one of a very moderate character, and its recommendations were calculated to improve the efficiency of the service and to reduce the expenditure; and if the noble Lord was not prepared to announce that its recommendations would be carried out during the present year, he trusted he would assure the House that they should receive early consideration.

MR. GOLDSMID said, it might be a good thing in some instances to accept the services of merchants as Vice Consuls; but it was bad policy to reduce the salaries of our Consuls at important stations in the East, because the impression produced was that a new Consul at a lower salary was an inferior man, whose decisions were entitled to pro-

portionately less respect. Many of these Consuls required to have as much knowledge of law as a County Court Judge in England; they lived in climates fatal to the members of their families; they were in some instances so isolated as to be practically banished from civilized society. All this had to be borne in mind in fixing a salary, and in some cases injury had been done to British interests by unwisely lowering a salary, as the result was that less respect was paid to the official who accepted it, even though he was not inferior to his predecessor in ability. A difficulty in the way of consolidation of the offices of Minister and Consul was, that Ministers were changed oftener than Consuls, and sometimes had conflicting duties, as in the case of the siege of Paris, when the Minister properly left, in order to maintain his communications with the French Government and with his own, while the Consul remained in Paris, though he did not remain as long as he ought to have done. No doubt, in some instances, the offices would bear consolidation; but, as he had pointed out, disadvantage would arise if it were too extensively carried out.

GENERAL SIR GEORGE BALFOUR said, that so far from being in favour of closing the ports in China, he would strongly urge the extension of our commercial relations in that country by the establishment of Consuls or Vice Consuls. There would be great difficulty in extending the trade there, if they once commenced closing the ports. It would be better to extend, rather than reduce them, and to free commerce by the removal of fees. In his opinion the salaries of Consuls ought to be paid entirely out of Imperial funds.

MR. F. STANLEY said, the Select Committee did not mean to recommend that ports should be closed in China, but that the Foreign Office should not be deterred by any question of loss of prestige from closing ports which otherwise it would be undesirable to keep open. The Committee were also of opinion that in order to meet the claim put forward by the larger Consulates for additional pay and allowances, it would be necessary to cut off such smaller branches of the service as might be dispensed with.

MR. MAGNIAC concurred with the hon. Member for Warrington that there

ought to be a union of the Diplomatic and Consular Services. He wished to call attention to the case of the British Consul in Sicily, the trade of which island he considered was of immense importance to this country, and he thought that case ought to receive the attention of the Government. The Consul was a gentleman eminently qualified for the post. At Palermo he had 10 Vice Consuls under him, with whom he was in constant communication, and he was incessantly called upon to discharge functions of the utmost importance to trade, and frequently, also, to the native population. That officer, he regretted to say, was left by the Government in the position of a mere trading Consul, who would be altogether incompetent to perform the duties fulfilled by the gentleman in question. He trusted that state of things would receive the attention of the Government during the coming winter. He was informed that the irregularities which formerly occurred in the Consular Service in China had now entirely ceased.

MR. WHITWELL hoped the Foreign Office would carry out the recommendations of the Select Committee. He could hardly agree with the hon. Member for Warrington that a union of the Consular and Diplomatic Services could be carried out to any great extent. In some of the Chinese stations it might answer very well; but except in a few cases, it would be found to be totally unsuited to Europe and the West.

VISCOUNT ENFIELD said, he could assure hon. Members that Lord Granville had given the fullest and most impartial consideration to the Report of the Select Committee, and in the spring of this year had addressed a letter to the Treasury on the subject. He could not read the whole of that long communication, as it was a departmental correspondence; but he would remind hon. Members that the Committee spoke in highly favourable terms of the way in which the Consuls performed their work. Although the Committee sat for two Sessions, and although any complaint on the part of our merchants would have received the careful attention of the Committee, yet no evidence was forthcoming to show that the commercial or mercantile world was dissatisfied with the Consular body. It appeared to him (Viscount Enfield), that if the

mercantile and commercial world had thought their interests were not sufficiently protected by the Consular Service, they would have availed themselves of the opportunity of proving it before the Committee. The Committee testified to the economical administration of the British Consular Service. There had been a net decrease of £3,000 in the five years ending 1873-4, after allowing for the salaries of the Consulates in the Levant first placed on the Estimates in 1870-1. One of the most important recommendations was referred to in Paragraphs 1 to 20, where the Committee mention the classification of the Consular Service which they think might be carried out with great advantage. Lord Granville concurred generally with that recommendation. It must, however, be a work of time, and the interests of the present Consular officers must be consulted. Lord Granville thought that a classification might be made, by which juniors might pass through various grades by transfers and promotions. There might be three grades in the Consular Service, so that a gentleman entering in the first grade might pass into the second, and so on, and thus make it more of a service than it was at present. Paragraph 28 left it open to the Secretary of State to appoint persons otherwise on his own responsibility. It was not desirable that the service should be made strictly a close one, and lists were being prepared, and a classification carried out which would show how that important recommendation could be applied. Paragraphs 24 to 27 recommended a revision of Consular ports in the Levant, and the adoption of the changes recommended by Mr. Kennedy. Many of these had been already acted upon, showing a saving of £500 a-year, and others, such as the Janina Consulate, would be shortly completed. Paragraph 28 recommended personal inspections of Consulates such as Mr. Kennedy carried out in the Levant. Had it not been for the labours of Mr. Kennedy in carrying out the Treaty of Commerce, this inquiry would before now have been completed. Mr. Kennedy had been in Paris as British Commissioner under the Treaty of November 5, 1872, but he would now visit the Consulates in France, Holland, and Belgium; Mr. Wylde had visited Spain, Portugal, and Morocco, and would visit

Italy in the autumn; and Mr. Victor Buckley would visit and report upon the Consulates in Denmark, Sweden, Norway, the Baltic Provinces of Russia and North Germany. Inquiries were also being made into the accounts of the several Consular Church establishments to which grants of public money were made under the Act of 6 Geo. IV., c. 87. These grants still amounted to £9,000 a-year, but might very likely be reduced. Paragraph 32 hinted at a certain increase of expenditure in expensive ports, more liberal outfit, calculations in allowing pensions for work done in unhealthy localities, more liberal leave of absence, &c. To carry out these views there must be complete harmony and agreement between the Treasury and the Foreign Office. A Committee of both Departments had been appointed to look carefully into all these matters. The Committee of the Treasury consisted of Mr. S. Blackwood and the hon. Member for Whitby (Mr. W. H. Gladstone). The Committee of the Foreign Office consisted of Lord Tenterden and Mr. W. H. Wylde, of the Consular Department, assisted by Mr. Buckley. That Committee had already met. The Select Committee of that House, as regarded fees, suggested either a revision of fees or the substitution of a tonnage duty. British fees were very low in comparison with those levied by other countries; but if a tonnage duty were imposed, and if the notarial duties of Consuls were extended, the Consular Acts would require to be amended. The Committee next recommended that greater power should be given to Consuls to deal with refractory seamen. That could only be done by Consular Conventions with other countries, and Parliamentary legislation would be needed to record the reciprocity demanded by foreign Governments. The Board of Trade would be consulted by the Foreign Office, and Mr. Reilly had drawn up a Memorandum on the subject. Another point recommended by the Select Committee was greater amplification in the returns and forms of the Board of Trade; and a revision of their Code of Rules and Instructions was recommended by many of our Consuls. That could not properly be done until the new Merchant Shipping Amendment Act had been passed. These were the chief points in the Report of the Committee, and he would repeat that

*Viscount Enfield*

they were dealt with by Lord Granville in a very long letter which he had addressed to the Treasury. The defalcation of one of the Consular agents in China had been brought under the notice of the Foreign Office. The Treasury insisted on his immediate suspension, and that steps should be taken for his arrest. There would be difficulty in obtaining a conviction, as the matter would have to be treated as a breach of trust, and not of fraud. The Treasury, however, were of opinion that a prosecution should be instituted, even if it failed, as an example to others. This officer, who had escaped from justice, had been apprehended and held to bail, but his trial had not yet taken place. With regard to the closing of certain ports in China, that had been done in two or three cases, but it had been found very inconvenient to trade, and the Consulates in those localities had to be re-established. The hon. Member for Warrington advocated the consolidation of the Diplomatic and Consular Services; but he could hold no hopes that Lord Granville, as long as he held the seals of the Foreign Office, would consent to such a consolidation, which would, in his opinion, be for the advantage neither of the Diplomatic nor of the Consular Service. The hon. Member for St. Ives had adverted to the case of the Consul at Palermo. His claim was now under consideration, with others of a similar nature, with a view of ascertaining whether Consuls, who were neither willing nor able to trade, might receive in lieu a fixed salary. Lord Granville had given immediate attention to the recommendations of the Committee, and if it should be his (Viscount Enfield's) duty to move the Votes for the Consular Service in another Session, he believed it would be found that economy had been promoted and the efficiency of the Service increased by the action of the Foreign Office in carrying out the main recommendations of the Select Committee.

GENERAL SIR GEORGE BALFOUR expressed a hope that next year there would be a considerable reduction in the payment by India of the Consular and Diplomatic Services in Persia.

MR. KINNAIRD inquired whether the Reports of the gentlemen who had made a personal investigation in foreign Consulates would be laid upon the Table or be regarded as departmental only?

VISCOUNT ENFIELD said, that those Reports, which would be regarded as strictly confidential, would probably be referred to the Departmental Committee now sitting.

*Vote agreed to.*

#### SUPPLY—POST OFFICE SERVICES.

(3.) £2,745,342, Post Office Services, &c.

MR. MONK said, he had given Notice of a Motion for Friday last, on the subject of an Order recently issued by the Postmaster General, for the compulsory registration of letters containing postage stamps, but was unable to bring it on. The delay had, however, he hoped, enabled the right hon. Gentleman so to re-consider the matter that he would be able to announce that the Order had been rescinded, so that it might be unnecessary to submit the Motion on the Report of Supply. The Order in question extended to bank notes, letters containing postage stamps, watches, or jewellery; and, as to the last two items, he had no objection to urge. The reason assigned for its issue was to diminish the temptations to which servants of the Post Office were exposed by the sending of articles of value in unregistered letters; and it was clear from the Notice that had been published, that it was the intention of the Post Office authorities, that the registration of letters containing any of the articles enumerated should be compulsory; but the Postmaster General, in replying to a Question last week, said it was not intended to require letters containing postage stamps or notes to be registered, except in cases where they were so badly folded, or fastened that their contents were exposed, in which case they would be liable to a double registration fee of 8d. Since he gave Notice of his Motion, he had received a large number of letters on the subject. Some of his correspondents were in the habit of receiving 30 or 40 letters a-day, each containing postage stamps, and one gentleman stated that the average number of letters he received each day covering postage stamps was over 100. Great inconvenience would be caused by the Order in question, and it would occasion considerable losses to many poor persons and charities. The regulation upon the subject said nothing about

compulsory registration, unless the letter or package was insufficiently fastened, or the bank notes or postage stamps obtruded. How did the right hon. Gentleman proposeto carry out the Order? Was it intended that the Post Office *employés* should become detectives, in order to determine whether there were postage or draft stamps in letters? If the law was to apply to postage stamps, surely it should be extended to draft stamps or cheques payable to bearer. The person who would be punished by it would not be the careless sender, but the unfortunate receiver, who would oftentimes suffer a considerable loss. He believed there were very few dishonest servants in the Post Office, and yet, for the sake of protecting those few, it was proposed to pass a law which would be one of extreme hardship to the public. Why, they might just as well pass a law with regard to the exposure of articles in shop windows. He believed that, however carefully a letter was folded and sealed, if it contained more than a dozen postage stamps, its contents would be obvious to many of the skilled men employed in the Post Office. There were, he had heard, many of the sorters who could tell in a moment whether postage stamps or bank notes were contained in a letter. He trusted that after the strong opinion expressed by the public Press, and that would, he had no doubt, be expressed by hon. Members, the right hon. Gentleman would declare his readiness to rescind his Order so far as bank notes and postage stamps were concerned. The Post Office was, he believed, the most popular Department connected with the Government, and he hoped the Postmaster General would not find it necessary to interfere with the facilities which his predecessor had given to the public, of sending small sums of money in postage stamps, which the Post Office afterwards cashed at a small commission. That boon ought not to be lessened by what he could not help considering an unnecessary interference with the rights and privileges of the people.

Mr. MONCKTON also urged the right hon. Gentleman to rescind the regulation in question. In many of the poorer districts, and especially rural ones, people were in the habit of remitting small sums in stamps, and were not very well skilled in the folding of letters, and the carrying out of the Order would practically be a

heavy tax upon persons who could ill afford to pay it.

Mr. MONSELL said, he could assure his hon. Friend that the interpretation which he desired to be put upon the Order was that contained in the regulation, and he had already expressed his disapprobation of the form in which the public Notice had been couched. He believed that had it not been for that, probably the difficulty which had now occurred would never have arisen, and it would have been possible to carry out the Order, which he believed was an important one, because it dealt with a temptation which seriously contributed to promote dishonesty among the letter-carriers. The number who could be charged with such an offence was very few; but the temptations were much greater than the hon. Gentleman supposed. In the Chief Office in London there were from 300 to 400 letters per day, the contents of which, consisting principally of stamps and jewellery, were found scattered about the room in which the letters were sorted, and he thought the hon. Member would agree with him that there was a sufficient cause for making an effort in that direction. He entirely agreed with him that the Post Office and the Post Office regulations, in order to be successful, must rest upon public opinion; and he therefore thought it was far better to give up regulations, even though, if properly carried out, they might have been useful, than to force them upon an unwilling people. He, therefore, proposed to withdraw the regulation in question, so far as regarded postage stamps and bank notes, maintaining it in other respects. Perhaps, in some other years, if the regulations were better framed, the House might take a different view of the subject.

Mr. W. H. SMITH said, he was sure that the course taken by the right hon. Gentleman in withdrawing the regulation would commend itself to public opinion. He wished now to bring under the notice of the right hon. Gentleman Memorials recently sent to the Postmaster General from the officers of the minor Post Office establishments in London. These Memorials were adopted at meetings held with the cognizance of the Postmaster General, who, in his Report just circulated, said the men generally had acted in a very proper and praiseworthy manner. He (Mr. W. H. Smith)

thought the men deserved the greatest possible consideration, on the ground that they had abstained from every act which could imperil the public service, or endanger the discipline of the service with which they were connected. They asked for consideration because nothing had been done for them for the last 10 years; their pay was exceedingly low, their responsibility was very great; and they were engaged in all weathers, and at all hours, in the discharge of a duty which demanded a very considerable amount of intelligence. The maximum salary of the letter-sorters was 45s. The salary of a letter-carrier rose by 1s. a-week to 25s., and stopped at that point for eight years, when he received another rise of 1s. till he reached a maximum of 30s. The Treasury had refused to listen to the appeal, just as the metropolitan police had been refused any increase of pay, but had obtained it when circumstances became serious. He condemned that line of policy as unwise and as extravagant. To repudiate reasonable claims, and refuse to meet representations properly made, was bad management in every sense of the word, and after what had occurred it was in effect saying—"You do not make this demand in such a form as that we are afraid of you." Speaking as a large employer of labour, he should never put his men in the position of coming to threaten him. Although it might be possible to fill up a few of those places as cheaply as at present, it was the duty of an employer to consider the circumstances of the whole body, and it was his interest to make them attached servants rather than discontented ones. He hoped the right hon. Gentleman would be able to give the Committee some assurance that a favourable reply would be given to a body of men who were paid so little, who discharged such responsible duties, whose claims had been so temperately advanced, and might be met at such comparatively small cost to the public.

MR. MACFIE congratulated the right hon. Gentleman upon the wisdom of the course he had adopted with regard to the new Order. He wished to inquire why the offer of the Corn Exchange, on very advantageous terms, as a post office for Leith had not been accepted?

COLONEL NORTH supported the statement of the hon. Member for Westminster (Mr. W. H. Smith). The mem-

whose case was under consideration were actuated by the best feeling, and anxious to do everything in the most proper manner; but they were driven almost to despair by the way in which they were treated, their respectful petitions to the Department not being attended to. He was waited upon, in common with other Members of Parliament, by the letter-carriers, and he was bound to say he never saw a more respectable body of men. It was, he believed, 15 or 16 months since they sent in a Memorial to the right hon. Gentleman the Postmaster General asking for an increase of salary, but no attention had been paid to it. That, in his opinion, was not a proper way to treat them, and if they "struck" let the House remember what serious consequences would be the result. The country was with them, and he hoped the Government would accede to their reasonable demand.

MR. T. HUGHES also expressed concurrence in what had been said by the hon. Member for Westminster, and wished to call attention to the case of the letter-carriers in the country. In the districts with which he was familiar, they were paid less at that moment than agricultural labourers, although their work had increased 50 per cent. The rounds they made daily amounted on an average to some 16 miles. From the greater number of houses the letter-carriers had to go to, and the changes that had been made in the postal arrangements, they had much more work to do than formerly, and yet they had got no rise of wages, although the gains of the Department had, through their labours, increased 100 per cent. These letter-carriers in the country had got no advance in the rate of pay for 20 years. He trusted that the Postmaster General would consider the matter fairly, as any other employer of labour would do, and, looking at the increased cost of living, the additional work that had to be done by these men, and the gain that had accrued to the Post Office from their labours, see whether they were not entitled to better terms.

MR. KINNAIRD concurred entirely with his hon. Friend the Member for Westminster as to the reasonableness of the demand made by the letter-carriers, and he believed that to refuse their demand was an inexcusable economy. He hoped his right hon.

Friend the Postmaster General would take their demand into his immediate consideration. There had been very undesirable economy with regard to country letter-carriers, those in Perthshire walking considerable distances and receiving paltry wages.

Mr. WHEELHOUSE hoped the wish expressed by hon. Members on both sides of the House, on behalf of the letter-carriers would be acceded to. He believed they were as honest a body of men as could be found in the public service, and he hoped that in granting the demand of the London letter-carriers he would not forget those of the great commercial towns and cities in the United Kingdom.

Mr. LOOKE said, he had had an opportunity of meeting a deputation of these men within the precincts of the House, and was bound to say that nothing could be more straightforward than their conduct, and nothing was more certain than that they received inferior and inadequate salaries, and he was sure their case would meet with due consideration. His right hon. Friend the Postmaster General must be aware that 30s. a-week was not a sufficient remuneration for men with long hours of work, and from whom a knowledge of reading, writing, and ciphering was required. Skilled mechanics were much better paid. He hoped a fair inquiry would be made, and that a new scheme would be adopted, the result of which might be a considerable addition to the pay of those who were employed in the Post Office.

Mr. PIM said, that as an employer of labour he should consider it exceedingly bad economy to delay the consideration of a claim of this kind which had any element of justice in it. An increase had been made in every Department of the public service, and his right hon. Friend the Postmaster General could not expect to form an exception. He reminded him that an increase was made to the pay of the Dublin police only when they threatened to "turn out," which was in his opinion a most unworthy and unsatisfactory way for a Government to settle a reasonable and just demand.

Mr. MUNDELLA said, he had been repeatedly conferred with by the representatives of the Post Office service, and his advice to them had always been that they should not do anything to incon-

venience the public, but present their Memorials in a respectful manner, and trust their cause to the justice of the House of Commons and the consideration of the Department. There had been no disposition on their part to give the slightest inconvenience to the public. They could not—it was right that they should not—hold mass meetings as was done in other cases, and it was the more incumbent on the Government, on that account, to consider their case and anticipate somewhat their reasonable demands. For 10 years these men had got no advance of wages, although in other employments wages had during that period risen 25 to 30 per cent. Parsimony in the public Departments in such cases was worse than profusion. Having meritorious servants, the public Departments, like other employers, should always seek to encourage them and to give them fair play. He would also remind the right hon. Gentleman of the serious consequences that would ensue, if one fine morning all the letters which arrived in this great metropolis were not delivered in consequence of a sudden strike among the letter-carriers. The example set by the Dublin police might be followed, but he hoped the right hon. Gentleman would at once remove the dissatisfaction which prevailed.

Mr. SCLATER BOOTH said, he did not think it creditable to the Representatives of the people to be urging the Government to increase the salaries and wages of those whom they employed. He did not mean to say that those wages did not require revision; but it should not be forgotten that the position of men in Government employ was superior to that of men in other employments. In addition to their wages, the letter-carriers had their clothing found them, and they were also permitted to receive Christmas boxes, which often amounted to a considerable sum of money. It should also be remembered that they had great opportunities of doing other work between intervals.

Mr. MILLER said, he was not one of those who would pay more than was just and right, but he had had for some time urged upon him by the constituents he had the honour to represent, that the work the Post Office *employés* had to perform was enormous, and that their pay was altogether inadequate. That having been brought before him, he in-

quired minutely into the matter, and he found that in the City of Edinburgh, a city not easily gone through by Post Office officers, that the work was perfectly enormous, the hours long, and the pay quite inadequate to support the men and their families. He had brought the question several times before his right hon. Friend the Postmaster General, and he was quite sure unless something were done towards raising the pay, there would be no satisfaction among the officers themselves, or among the inhabitants, for the latter would consider that if the officers were not adequately paid the service would not be well done. The work of the Post Office officers was not remunerated as it ought to be. The hon. and learned Member for Frome had brought on the inadequate pay of the rural messengers. Some of these only received 14s. a-week, though they had to walk 16 miles a-day, and to deliver letters in the villages through which they passed. These men without other means could not support themselves. No doubt they could go round with the hat and pick up a sort of alms on their way; but it seemed to him (Mr. Miller) very extraordinary that officers bearing the livery of Her Majesty should be required to go about in that sort of way. It would be far better for Government to pay them the full value of their services. Another question which he must bring forward was the position of the General Post Office in Edinburgh. He understood that the secretary of that office was abolished and another post given to the holder, which rendered it impossible for him to fulfil the duties. He would ask if that change were to be carried out to the full extent? It had given great dissatisfaction to the district around Edinburgh. It forced all communication to be made with London instead of being done in Edinburgh. He hoped the right hon. Gentleman would explain these subjects.

MR. EYKYN said, he for one could submit patiently to the castigation given to hon. Members of the House by the hon. Gentleman opposite the Member for North Hants (Mr. Sclater Booth). An important part of the public service—the Army—had lately received an increase of pay. The Post Office employed a valuable body of men, who were well worthy of their hire. A large amount of property was constantly passing

through their hands, and but a very small proportion of it was ever lost or mislaid. The whole tone of the men in that agitation showed that they had considerable intelligence, and that they approached that matter in no unbecoming spirit. Although it was impossible at that period of the Session to obtain an increase of the Estimates, he asked the right hon. Gentleman to consider the claims both of the metropolitan and the rural and provincial letter-carriers, whose remuneration was inadequate; and he trusted that before next Session the Postmaster General and the Treasury would have agreed on a new scale of wages which would be satisfactory to the men and also to the House.

MR. GILPIN thought the remarks of the hon. Member opposite (Mr. Sclater-Booth) were very seasonable and required. It was easy to declare that no Ministry was worthy of support that could not govern without spending so many millions a-year; and yet those who said that, were apt to press the Government, when a practical question was raised, for an increase of expenditure. He did not deny that the case of these applicants might deserve favourable consideration; but there he would leave it, without putting undue pressure on the Government. While the House leaned towards liberality, it should remember that it was out of the pockets of the taxpayers that any additional expenditure must come.

MR. W. FOWLER said, he did not know what hon. Members sat there for if they were not to express an opinion on a question of that sort without being called to Order for it. The wages of messengers and clerks in some of the rural post offices were extremely small and insufficient for the services rendered; and he hoped the Postmaster General, after that discussion, would look narrowly into the case of those persons, and see whether something might not be done in their favour. He held that it was a very false economy to underpay men for their services.

MR. M'LAREN said, that he observed the letter-carriers in Dublin and Edinburgh were equally ill-paid. They began at 18s. a-week, and advanced to 24s. 18s. a-week, for men of the class required to carry letters, was far too little to induce respectable men to take the duty. He had been personally cognizant,

of the kind of men employed as letter-carriers for more than half-a-century, and he could state that they were not nearly the same class of men in point of steadiness and knowledge as they were. At that time joiners had 18s. a-week, and masons about the same. Now all these classes had 30s. or more. Letter-carriers had 18s. still. It was impossible to get steady, trustworthy, active, painstaking men for 18s. a-week. That led him to remark upon the enormous amount of labour of letter-carriers. He found there were 142 of them in Dublin and 95 in Edinburgh. He did not know why that difference in numbers should be, more especially when it was considered that the population of Edinburgh and Leith together was exactly equal to that of Dublin, according to the last Census. Then, as they had been told by his hon. Colleague, a process of cutting down the superior officers in the Edinburgh establishment was going on. The Dublin expenditure was £50,895; Edinburgh, £36,355. One would have thought if there was to be any cutting off, they would be more likely to cut off from the £50,000 than from the £36,000, more especially as the town he was connected with must have much the larger number of letters. The business should be managed on principle, and if any cutting down was required, they should begin where there was room for lopping off, and not cause inconvenience by taking away the secretary from the establishment in Edinburgh, and necessitating the sending of official correspondence to London. Altogether, he thought the thing might be better managed. At the same time, he concurred in the general impolicy of making a rush at a Department of the Government. Exceptional cases, such as those of the letter-carriers and the clerks, required remedies, and he thought if some of the large salaries could be cut down, considerable addition might be made to the lower.

**Mr. MONSELL** said, his hon. Friend the Member for Leith (Mr. Macfie) might be quite satisfied that the claims of his constituents with regard to a Post Office were being fairly considered. The question was in the hands of the First Commissioner of Works, who would very soon decide on a fitting place for one. It was true that a very beneficial change had been made in the Edinburgh Post Office, and one which he should very

much like to see introduced into Ireland. In place of the secretary an officer called the surveyor general had been appointed, who discharged the duties of secretary and also those of surveyor for all Scotland, except Glasgow, which had a surveyor of its own, and had ample time for the discharge of the duties of both offices. The result was to prevent the delay which formerly arose in the communications between the Post Office authorities in Edinburgh and London, and a great benefit was conferred on the people of Scotland. He heard with considerable astonishment many of the remarks made as to the rate of wages of the letter-carriers in the great towns and also in the rural districts. Anyone unacquainted with the subject would have believed that nothing had been done in the way of raising those wages, whereas the fact was, that every week the wages of letter-carriers in rural districts were being raised. They were not raised all in a lump, because the circumstances of different parts of the country were different; but where representations were made, they were very carefully considered, and in a very large number of instances greatly increased pay had been given to those rural messengers. With regard to the large towns, Liverpool, Manchester, Dublin, Glasgow, Edinburgh, and many others, the wages of the letter-carriers had also been raised. In some cases, those who had their wages raised last year very naturally desired that they should be raised again this year; but the Department could not go on at that rate. What the hon. Member for Westminster (Mr. W. H. Smith) said with regard to the metropolitan letter-carriers was perfectly true. The present scale was 21s. a-week, rising by 1s. a-week annually to 25s., and after 12 years' service to 30s. But it must be recollect that a mere statement of the rate of wages did not represent all that the letter-carriers received. Besides those wages, every letter-carrier received two suits of uniform, which he (Mr. Monsell) was informed could not be put at less than 1s. 6d. a-week. Then he had medicine and attendance when ill; if laid up by ordinary sickness he received two-thirds, if by accident, the whole of his wages. That rendered it unnecessary for him to belong to a benefit society, and at least 1s. a-week was thus saved. Every letter-carrier was also

entitled to a pension if his conduct was good, and he had served a certain number of years. In the case of a boy who began at 16, as they often did now, when he arrived at 56 he might retire on a pension of £50 a-year. Allusion had been made to Christmas boxes. What the London letter-carriers received in Christmas boxes amounted, it was said, on an average, to something about 4s. a-week. It was not fair, therefore, to represent the wages of the letter-carriers of London at merely the nominal sum. But he would be perfectly candid. It was for the Treasury to decide as to the pay of the different Departments. That was the duty of one Department, and it was right it should be so; otherwise you would have one Department raising the salaries of those employed by it, and other Departments following the example, the result being the greatest extravagance. But, as the Secretary of State for War and the Vice President of the Council said the other day, if hon. Members would join with him (Mr. Monsell) in trying to soften the heart of his right hon. Friend the Chancellor of the Exchequer, so that some slight improvement might be made, he would be very happy. He had no doubt that any well-grounded claim for concession to the letter-carriers would be carefully considered by the Treasury, and granted, if found to be in accordance with principles of justice. But he could not avoid expressing his opinion that the bringing up of questions like that in the course of a debate in Parliament was to be deprecated, for it could only end in creating discontent among the officers of the Post Office. They might rest assured that any real grievance would be fairly considered with a view to a remedy; but he must say, that such a course was not facilitated by pressure being put on him by Parliament.

MR. MELLOR wished to know whether the new and improved terms to be paid to letter-carriers were to be extended to the men employed in rural districts, whose pay at the present time was wretchedly bad? In the district in which he lived, the letter-carriers had to depend a good deal on the earnings of their wives for the support of themselves and their families.

MR. RYLANDS said, however much he might admit the justice of the claim, it was a pity that such discussions

should be raised in that House, especially as the authorities of the Post Office Department were always willing to listen to and consider any representations made to them with reference to particular cases. It would be better that such matters should be brought before the Government privately, rather than in the House of Commons, as public discussion upon them was certainly calculated to excite discontent.

MR. CAVENDISH BENTINCK wished to know how long the French railway companies were to continue in their present system of blocking up the high road to Italy? Letters posted in Rome on Sunday ought to be delivered in London on the Wednesday evening, instead of being delayed as was the case at present. He wished also to know whether arrangements were being made whereby letters could be posted in travelling post-office vans on the lines of railway, in order to the saving of time and the convenience of the public.

MR. MONSELL, in reply, said, there was no fixed scale for the letter-carriers in the rural districts, but that their remuneration differed in different parts of the country. With respect to the Mont Cenis tunnel, he admitted that the present system of conveying the letters was unsatisfactory; but he hoped that before long, the letters would be sent through the Mont Cenis tunnel instead of being sent all the way round. As to the grievances of the employés in the Dublin office, he was happy to state that the wages of the letter-carriers had already been raised, and the question of following the same course in the case of the sorters was now under consideration.

*Vote agreed to.*

(4.) £679,000, Post Office Telegraphic Service.

#### SUPPLY—SUPPLEMENTARY ESTIMATES.

(5.) £15,000, Metropolitan Police Courts.

(6.) £8,500, New Palace at Westminster and further Embankment of the River Thames.

MR. RYLANDS said, the Government ought to explain why these Supplementary Estimates were not brought forward at an early period of the Session. He protested against the Committee pledging the House by the adoption of that

Vote to a very large expenditure of money. The sum of £8,500 was a portion of an expenditure of £35,000, that would be required to complete the work of embankment, and would lead to the expenditure of £138,000 for the completion of the buildings to be erected thereon. The Government ought to show the Committee that they could not bring on the Vote at an earlier period of the Session; and if they could not satisfactorily explain it, the Vote ought to stand over until next year. He was led to insist upon that course, the more especially as neither plans nor estimates had been furnished showing the need of the outlay. Before the right hon. Gentleman the First Commissioner of Works acceded to office he often insisted that piecemeal Votes of this sort should not be agreed to before the Government explained what was the total amount of the expenditure contemplated.

MR. AYRTON said, it was quite true that when he sat in the place now occupied by his hon. Friend, he always contended for the principle, with regard to the administration of the Office of Works, that no Estimate should be proposed unless at the same time the whole expenditure to which that Vote would lead was fully brought under the consideration of the Committee, because he had repeatedly observed that Estimates which appeared to sanction but a small expenditure at first were but the beginning of a very much larger outlay. He was sorry he was not able to vindicate that view with reference to the present Estimate. It was an Estimate with which, though in a certain form prepared by himself as First Commissioner of Works, he was not in reality responsible. It was prepared in its present form by the Treasury, and proposed on their own responsibility, and he had first seen it, like other hon. Members of the House, when it was distributed as a Parliamentary Paper. That, therefore, entirely acquitted the Department over which he presided. He could not tell the Committee what the nature or the extent of the expenditure was to be, because he was not in possession of information on the subject. All he could say was that this Embankment was for the purpose of obtaining land on the bank of the river Thames, embanking it to form a terrace in continuation of the terrace in front of the Houses of Parliament, he

understood with the purpose of erecting public offices on some portion of the land. What those public offices were to be, or what they would cost, he did not in the smallest degree know. As to the question of the hon. Gentleman—namely, what urgent necessity was there for bringing these Estimates before the House of Commons at that period of the Session—he could not give him the least information on that point. If it was urgent that this Embankment should be made, and that the erection of these public offices should be commenced, of course, it was urgent that the Committee should vote the money. If there was no urgency in the matter he thought it might be postponed till next Session.

COLONEL GILPIN protested against Estimates being brought forward in the last few days of the Session. The Government ought to inform the Committee why these Estimates had not been brought forward at an earlier period of the Session, and also show why they could not now be postponed till next year. A very bad system had been pursued lately. At an early period of the Session the Government got certain sums "on account" which they required, but they consulted their own convenience, and not that of the House, as to when they got the remainder; and the consequence was, that the Estimates were put off till near the close of the Session.

MR. WHITWELL hoped the Secretary to the Treasury was able to give the Committee the explanation which was due from the Government, the right hon. Gentleman the First Commissioner having declared his ignorance of the subject.

MR. LIDDELL protested against one Department of the Government being made responsible by another Department with reference to expenditure, without any information being given to the Department thus made responsible of the reasons for that expenditure. This matter of Ministerial responsibility was becoming serious. The First Commissioner of Works was fully imbued with the principles of economy, and he was ready at all times to carry them out at all risks. He had a great respect for the right hon. Gentleman; but it appeared he was totally ignorant why, and for what this expenditure was required. It was right the Committee should know

if the Treasury could impose on the Board of Works, for which he (Mr. Ayrton) was not responsible, the carrying out a scheme of expenditure of which he knew nothing. He, therefore, trusted the House would set its face against that scheme of expenditure.

**LORD EDMOND FITZMAURICE** said, the Vote was headed "Acquisition of land and Embankment," but during last year and the two previous years the principle had been strongly laid down by Her Majesty's Government, that all works for the embankment of the Thames should be executed at the expense of the metropolitan ratepayers, and not at the expense of the country. He wished to know why that principle was not adhered to in the present instance; and, whether it was absolutely necessary, in reference to the Palace of Westminster, that that additional piece of embankment should be constructed? If the hon. Member pressed his Amendment to a division, he should give him his support unless these questions were answered satisfactorily.

**THE CHANCELLOR OF THE EXCHEQUER** proceeded to explain the matter by stating that there formerly existed beyond the Victoria Tower, and in dangerous proximity to the Houses of Parliament, a large stack of old buildings, which, together with the land on which they stood, were purchased by the Government under an Act of Parliament, and the houses were then pulled down in order to prevent the danger of their taking fire, which might be communicated to the Palace, and it was now proposed to embank the land which had thus become the property of the Government. It was deemed desirable that a building should be erected fronting the Victoria Tower, one of its flanks resting on the river, and the other on Abingdon Street, and of a sufficient height to screen the buildings beyond from the Houses of Parliament; but before such a building was erected, it would be necessary that the land should be embanked, in order to provide the necessary extent of ground for it to stand upon. Taking into consideration the very advantageous situation of the property, it was intended that the building to be erected upon it should be appropriated to public purposes—probably it would be used for the purposes of Royal and other Commissions, the lodgings for such Bodies at present entailing considerable expense

on the country. The cause of the delay had arisen from the doubts and difficulties that had existed how the land should be laid out. Seeing what had already been done in the way of embanking the Thames by the Metropolitan Board of Works, it was only fair that the Government should do their own share of the work, and the Committee, he hoped, would not object to that course. He trusted that the hon. Member would not press his Amendment.

**MR. R. N. FOWLER** regarded that discussion as a striking proof of the inconvenience occasioned by the Government postponing Votes until the end of the Session when they could not be properly discussed.

**MR. WHITE**, in view of the statement of the Chancellor of the Exchequer, that the proposed new building was to be appropriated for Royal and other Commissions, wished to know from the First Commissioner of Works, whether there were not a large number of unoccupied rooms in the Palace which were well fitted for the purposes of such Commissions?

**MR. F. S. POWELL** said, he had no objection to the Embankment scheme, but he wished to know, if the Committee sanctioned the Vote, whether it would pledge them to the erection of any new public offices? When the ground in question was purchased, they were told it was to be cleared so as to guard against the possibility of fire from the adjoining houses; but now they were going to put up new buildings upon it, which would be exposed to fire from the houses which lay beyond it. Were they to buy up those houses, too? If so, he did not see where the process would end.

**THE CHANCELLOR OF THE EXCHEQUER** explained that by agreeing to the Vote the House would in no way be pledged to provide funds for the erection of any building whatever. The Vote was for embankment only. It was intended that the interval between the new building and the Houses of Parliament should be more than the 150 feet prescribed by the Act of Parliament, in order to protect the Houses of Parliament against fire. It was desirable that the proposed building should be erected in order to shut out the view of the low class of property which lay beyond.

**DR. BALL** complained that the Vote had been put upon the Paper in so am-

biguous a form that it was impossible for an uninitiated person not connected with a Government Department to imagine that it was intended for the purposes which had been explained. It had led him to believe that the Embankment was to be constructed between the Palace and the river, and not in continuation of the Palace river terrace. He thought it very desirable there should be an Embankment in the direction proposed, and he should have been prepared to vote for a larger sum, and for a further continuation of the Embankment.

MR. ALDERMAN LUSK also expressed his approval of the plan, which was the proper complement to the original purchase of the property. As the House had bought the property, they ought to put it into a proper condition and make it useful.

MR. AYRTON, in answer to the question put by the hon. Member for Brighton (Mr. White) said, it was quite true that there were numerous rooms in the Palace which had not been used for many years, but which at one time he had thought might be used for the purposes of Commissions. When, however, he thought thus, he was not aware that the Treasury contemplated erecting a block of buildings for that purpose. If the hon. Member for Brighton (Mr. White) had adverted to an opinion which he formerly expressed in the House; he must now be pleased to consider that opinion as obsolete. With regard to this particular Vote, there was, perhaps, thus much to be said in favour of it. The land in question was of considerable extent, and it was necessary that part of it should be left unoccupied for the purpose of protecting the Palace from fire, by not allowing other buildings to be in close contact with it. The land gained from the river by embanking in front of the land to be left vacant would be a part of that protection; but the expense of making the Embankment for that land would not amount to anything like the sum stated in the Vote. The rest of the Embankment would be an improvement of the remaining land for any purpose whatever. The hon. Member for Warrington (Mr. Rylands) had challenged him with having brought forward a proposal which was contrary to the views he had expressed, and he wished to explain that he had done nothing of the kind. So

far as related to the construction of the Embankment, that was a part of the question which stood entirely on its own merits, and the House was perfectly able to pronounce a judgment on the matter. For himself, he thought that it would be necessary. The erection of buildings for the accommodation of Commissions, or any other purpose, was, however, a totally different matter, and one on which he would rather not express an opinion until after a full investigation of what was proposed, and of the necessity for it, and the expense that might have to be incurred. As he had no information on the subject, beyond what he had heard in the House, he was no wiser than any other Member of the Committee.

MR. W. M. TORRENS thought that among the numerous virtues which his right hon. Friend possessed, there was one which hon. Members had scarcely given him credit for before that evening—he meant diffidence. It was quite clear he was most anxious to impress upon the Committee that he knew nothing about the erection of the buildings in question, and that he was seized with a strong desire to obtain all the information which he could from the Government to which he belonged. As the Committee appeared to be equally in the same state of dense ignorance and helplessness as his right hon. Friend, on their part, and on behalf of his right hon. Friend, he should like to hear the reason why it was proposed to embark upon an expenditure to which he could see no limit. It was the duty of the Committee to refuse to grant money unless they were made aware how it was to be laid out, and he was glad to think that five years on the Treasury Bench had not debauched that virtue for which his right hon. Friend was distinguished as an advocate of economy when he sat below the gangway. Governments might come and go, but virtue, like the river, “ran on for ever.”

MR. CRAWFORD wished to know, whether the new club-house being erected at the end of Westminster Bridge was not being built in violation of the rule that no building should be raised within 150 feet of the Houses of Parliament?

MR. RYLANDS asked the Committee to resist the Vote. The Chancellor of the Exchequer had not assigned any reason why, even if it were ultimately required, the Vote could not be post-

*Dr. Ball*

poned till next year. The right hon. Gentleman appeared to be ignorant of the fact, that in the large building in which they were then assembled, there were rooms that were utterly unused, and no steps were ever taken to utilize them; yet they were now asked to embark on a large expenditure for buildings, without its being shown for what purpose they were wanted. He hoped the Vote would be withdrawn until next year.

MR. BAXTER pointed out that the scheme which the Chancellor of the Exchequer had explained, would be proposed to the House at some future time; but that the Committee were simply asked on the present occasion to grant the sum necessary for the construction of the Embankment, which was a work it was necessary to have done whether buildings were erected on the property or not. The Estimate had not been brought forward earlier because it was not until the beginning of June that the arrangement mentioned by the Chancellor of the Exchequer had been made. The Embankment, he might add, would be proceeded with as soon as possible.

MR. SCLATER-BOOTH pointed out that the money asked for was, in accordance with the statement of the First Commissioner of Works, more than sufficient for the construction of the Embankment. If there was to be some other work beyond that undertaking, plans ought, he maintained, to have been laid before Parliament.

MR. BAXTER said, that the money was intended for the Embankment only.

MR. SCLATER-BOOTH pointed out that, if that were so, the money should have been asked for as an Ordinary and not in the shape of a Supplementary Estimate.

MR. DICKINSON remarked that the length of the proposed Embankment would be greater than the 150 feet which was said to be necessary for the protection of the Houses of Parliament.

*Vote agreed to.*

(7.) £28,740, Embassy Houses at Vienna and Washington.

MR. RYLANDS said, that that Vote should not have been brought on now. If the Government were not prepared to include it in the Ordinary Estimates, they might have postponed it altogether.

He now asked the Committee to reject it, because looking at the cost of the Embassy houses of Great Britain at Paris and Constantinople, they had been exposed to so heavy an expenditure, as not to feel any encouragement to enter upon any increase of it. In 28 years, according to Returns before Parliament, the Embassy house at Paris had cost the country £158,799; while the Embassy house at Constantinople had cost £378,203, or together, nearly £500,000. The reason which had induced the Foreign Office to own a house at Constantinople was, that it could take means to protect it from fire, it having been burnt down 30 or 40 years ago; and yet, when it was burnt down a year or two ago, it appeared that the neglect of all ordinary precautions against fire had been disgraceful, that the water tanks were empty, and that the fine-engines were unworkable. A great disadvantage in having a large palace was, that it involved all Ambassadors alike in the necessity of maintaining large establishments, whether they wished to do so or not. These large sums were far from representing what those establishments cost the country, and though it was used as an argument in their favour, when their erection was proposed, that they would be a great saving to the country, there could be no question that it would be much cheaper to hire a suitable residence for an Ambassador. The fact was, that these gentlemen put a strong pressure on the Government, and the Government yielded to it. An Ambassador went out to his post, and found the house occupied by his predecessor too large or too small, and then complaints were made, and it was represented that it would be better and cheaper to provide a house, and the consequence was, that it was determined to provide, furnish, and maintain houses large enough for all. The house at Paris cost £1,000 a-year to light and warm; there were similar charges at Constantinople, and some of these payments were made to the servants on the establishment. The present Vote included £14,000 for Vienna and £14,700 for Washington; and the total sums it was proposed to spend were £42,000 at Vienna and £31,000 at Washington. He hoped the Committee would support him in resisting this expenditure by refusing the Vote.

MR. NEWDEGATE remarked that the situation with regard to the signing of the Treaty of Vienna was being repeated now in the case of the new Commercial Treaty with Paris. The Revenues of the country were about to be pledged, without the House having an opportunity of expressing itself.

MR. ILLINGWORTH rose to Order.

THE CHAIRMAN said, the hon. Member must be aware that he was not addressing himself to the subject-matter of the Vote.

MR. NEWDEGATE said, he should make his remarks the subject of a Question to the Government.

MR. W. C. CARTWRIGHT said, that our ownership of Embassy houses had been twice recommended by Committees of the House of Commons on economical grounds. The recommendation had been insufficiently attended to, owing to the prevalence of an unwise parsimony; and it was well worth the attention of the Committee, now that they were dealing with the cases of Vienna and Washington to take into their consideration the Embassy houses at Rome and Berlin, which were very inadequate as regarded accommodation. In the latter place, they had rented a house on a short lease at £1,000 a-year; but on the expiration of the lease, they would not be able to replace it, under at least £1,500 a-year. There was no more economical Government than that of Prussia, which had bought Embassy houses, he believed, not only in all the principal capitals of Europe, but also in the smaller capitals, and such a course had been found most advantageous. He felt perfectly convinced that if the Committee refused to endorse the Vote, or if Parliament set itself against purchasing sites for our Embassy houses, the expenditure of the country, so far from being diminished, would be very much increased.

MR. F. S. POWELL said, it was not at the largeness, but at the smallness of the sum asked for in the Vote that he was surprised. He rejoiced that the Government had taken the matter in hand; but he wished to obtain from the Government some assurance that £42,000 in the one case and £31,000 in the other represented the whole amount which would be required.

VISCOUNT ENFIELD begged, in the first place, to remind hon. Gentlemen

of the Resolution agreed to by the Select Committee on the Consular and Diplomatic Services, of which both himself and the hon. Gentleman the Member for Warrington were Members, to the effect that though it would be attended with some increase of charge on the Exchequer, the Committee agreed in the opinion expressed by the Committee of 1861, that it would be of advantage to the public service that there should be permanent official residences in all the large capitals for the heads of Missions. The allowance for the Embassy house at Vienna had up to the 31st of March of last year been £1,200 a-year. Since then it had been £1,500. The facts were as follow:—The lease of the present Embassy house expired on the 1st of November of the present year, and could not be renewed. The allowance for house rent made to the Ambassador was £1,200 a-year, for which sum he found it utterly impossible to find a house in any way suited for an Embassy. Under these circumstances, he entered into negotiations with the Ban Verein, a Vienna building society, who seemed at first disposed to build a house and let it to the Embassy on a long lease for a sum not exceeding the allowance. As the negotiations proceeded, however, it became evident that the company would not give a long lease at all, being made cautious by the steady rise in value of house property; they would only consent either to sell outright, or to let on a short lease at a high rate of interest for their money. The offer was then put in this shape—For sale, a sum of about £26,000 was required; for that sum the company would make over land and build the house. For a lease they would not take less than £2,200 for a term of 15 years; or £1,520 (after considerable bargaining) for a term of six years. Upon these propositions Her Majesty's Government had to decide. The Embassy must be housed, and the Ambassador had with great difficulty found temporary accommodation for a year from the 1st of November next for £1,700 a-year, this accommodation being in many ways very unsuitable for the purpose. There could be no doubt that the most economical course was to buy; the price eventually agreed upon for sale was about £27,000, representing, at 30 years' purchase, an annual sum of about £1,100. If at any

time the house built had to be sold, it could hardly fail to prove a good investment. With regard to Washington the case was this—The building of a Legation house at Washington had long been contemplated, having been advocated by Sir Frederick Bruce. The present house was obtained with great difficulty, was inconvenient, and had only a very short lease. The choice lay between purchasing land and building upon it, purchasing a house, or obtaining one on a long lease. No house of a proper size could be found with a long lease; when one was offered for sale in August last, which, with necessary additions and furniture, would have cost about £21,150, Sir Edward Thornton was allowed to buy it, whereupon the proprietor increased the price, and the offer was declined with the approval of the Government. This year the question became urgent, as he was to vacate his present abode, and nothing was obtainable except at an extravagant price, increased by the knowledge that the house was wanted for Her Majesty's Legation. Sir Edward Thornton was thereupon allowed to purchase a site on his own responsibility. One containing 29,055 square feet was found in a fairly favourable situation for £2,741, which, for fear of losing, he agreed to purchase and pay down the money on the 25th of April. On the 22nd of April he received the necessary sanction, and plans and descriptions of the house which is to be built, have since been sent home, which have been adopted after some alteration by the Board of Works. His hon. Friend had no idea how enormously house rents had increased in the capitals of Europe, and he (Viscount Enfield) agreed with the hon. Member for Oxfordshire (Mr. Cartwright), that if, following the example of the German Government, they had purchased land and built houses some years ago, they would have found it a most economical arrangement for the country. In Berlin the lease of the Embassy house would expire in 1876, and the landlord would not renew the lease except at double the present rent. Offers had been made by other parties, but the amounts demanded were most extravagant, and far higher than in Vienna. For one house, and that of an inferior character, £45,000 was asked. Another house was offered for £112,500. But those were all de-

clined. Another person offered his house for £300,000. That was not accepted either. The house of Prince Adelbert was in the field for sale, and the price asked for it was from £50,000 to £60,000. He trusted, after the explanation he had given, the Committee would not think that very disadvantageous terms had been made.

MR. W. H. SMITH said, as he had been in Washington last year, he wished to state that if the thing could be done for £31,000 it would be an excellent bargain. If we could get an Embassy house in Washington, in which the Embassy could be properly lodged for such a sum, he believed the arrangement would be one which would do credit to the most economical Government that ever existed.

MR. D. DALRYMPLE also approved the arrangement as being economical.

MR. GOLDSMID recommended the Government to build or buy an Embassy house at Rome, where the price of land and houses was rising enormously.

*Vote agreed to.*

(8.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £5,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the Superintendent of Convict Establishments, and for the Maintenance of Convicts in Convict Establishments in England and the Colonies."

In answer to MR. F. S. POWELL,

MR. BRUCE said, that Millbank, which was built in the beginning of the present century, was a cluster of six or seven prisons, and so ill-adapted to its present purpose that it was intended to replace it by a new prison at Wormwood Scrubs. Millbank was an exceedingly expensive prison, in consequence of the large proportion of warders required, and the number of warders who, for want of accommodation, were obliged to live outside the prison. In exchange for the £10,800 required for the site at Wormwood Scrubs, the Government would gain 24 acres in the middle of Westminster, and of much greater value. The new prison would be built by convict labour at a cheap rate, and the whole building would cost less than the sum sacrificed by the present costly establishment. There was, therefore, good reason to believe that the exchange

would be highly economical and advantageous.

COLONEL BARTTELOT said, it was commonly reported that Millbank Prison was to be turned into a cavalry barrack. It was said to be an unhealthy place for prisoners, and it did not seem therefore very fit for a cavalry barrack.

MR. BRUCE said, he was not aware to what purpose Millbank was to be turned by the Government.

MR. WATNEY asked how many prisoners the new gaol at Wormwood Scrubs would contain?

MR. BRUCE said, that the number at Millbank at present was 1,277, and there was no reason to suppose that the number would be less hereafter.

LOD ECHO said, he rose at the same time with the hon. and gallant Member for West Sussex (Colonel Barttelot) to put the same question. He did not think the Home Secretary had answered the question, whether the convict prison at Millbank was to be turned into a cavalry barrack? If the Embankment were continued upwards from Westminster Bridge, it would be desirable that Millbank should be occupied by buildings more ornamental than either a prison or a barrack. Perhaps, if the right hon. Gentleman the Home Secretary were not in a position to give the House an assurance on the subject, the Secretary of State for War could tell the Committee whether Millbank was to be turned into a cavalry barrack.

MR. CARDWELL said, it could never be supposed for a moment that the prison would be turned into a barrack. It had been long intended to remove the cavalry barracks from Knightsbridge, and among the places contemplated for the site of a new barrack was Millbank. That, however, was not the ground on which the present Vote was asked.

COLONEL BARTTELOT said, that as the right hon. Gentleman declined to pledge himself that the Millbank site would not be adopted for the barracks, he should like to know where the saving was to be effected?

MR. CARDWELL said, the value of the Crown land upon which Knightsbridge Barracks now stood was very considerable. But he was not committing himself, or asking the House to commit itself, to any definite opinion as to the place to which these barracks would be removed.

*Mr. Bruce*

COLONEL STUART KNOX said, he should like to know if it was intended to build private houses on the site of the Kensington Barracks?

MR. CARDWELL said, the subject referred to was not in his Department, and suggested that the question should not be discussed in the present Session.

COLONEL BARTTELOT said, he was compelled to move the omission of the Vote, with the view of eliciting from the Government some expression of their determination with reference to the erection of cavalry barracks on the site of Millbank Prison.

MR. CARDWELL said, he was quite unable to give a definite answer when a definite proposition had not been arrived at.

LOD ECHO supported the Amendment. That was not a mere question of erecting a new prison, but part of a general scheme with all the details of which they ought to be made acquainted.

MR. CARDWELL suggested that further time should not be wasted in discussing a question which had already been fully considered.

Question put,

The Committee *divided*: — Ayes 129; Noes 45: Majority 84.

(9.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £26,000, be granted to Her Majesty, to defray the Charge, which will come in course of payment during the year ending on the 31st day of March 1874, for the Salaries and Expenses of the Commissioners of Police, of the Police Courts, and of the Metropolitan Police Establishment of Dublin."

THE MARQUESS OF HARTINGTON, in moving the Supplementary Vote of £26,000 for the Salaries and Expenses of the Commissioners of Police, the Police Courts, and Metropolitan Police Establishment of Dublin, said, the question of the pay of the Metropolitan Police and the Irish Constabulary had been inquired into by a Commission, which reported in favour of a considerable increase of pay to both Forces, and he thought that every hon. Member who had read the Report, and the grounds on which it was based—namely, the increased facilities which men eligible for that Force had of obtaining employment and good pay in England—would come to the conclusion that the increased pay which was recommended was fully

warranted by the circumstances. An additional amount of £12,600 had already been voted in the ordinary Estimates, and the sum now asked would make the total increase for the year £38,600. This sum would include four months' extra pay before the commencement of this present financial year, in accordance with the recommendation of the Commission, and the total annual increase for future years would be £28,700. Of the entire annual charge for the police service a considerable sum was drawn from local resources. The Consolidated Fund contributed 5½ per cent., and local taxation 4½ per cent. If, of the additional sum now moved for, the City of Dublin contributed the former proportion, it would be a tax of 4d. in the pound. Having regard, however, to the high taxation of the City of Dublin, the Government were willing to fix the tax, not at 4d., but at 2d. in the pound; but, as the question of local taxation was being considered by Parliament, it was thought that for the present the Imperial taxation ought to bear the entire increase. It was not, however, to be understood that that state of things was to continue beyond the present year, and he therefore hoped to be able to propose to Parliament next Session a measure for the purpose of dividing on some equitable basis that additional expenditure between the Dublin police district and the Imperial Exchequer.

MR. M'LAREN said, a fortnight ago he gave Notice of his intention to move a Resolution to the effect that the people of Dublin should be called upon to pay a further portion of the expenses of their police, instead of the Consolidated Fund being called upon to pay the amount it was. He found, however, that the Formis of the House would not allow him to move that Resolution, and he should now move the reduction of the Vote by £25,000. [Laughter.] The Committee might appear startled, but the facts of the case were startling. In the Miscellaneous Estimates for the present year the increased cost of the Dublin police was put at £13,000, and now they had an Estimate for an additional £26,000, making the increase for this year alone £39,000. He found that the Dublin police force cost the Government no less than £106,784; indeed, as other sums, amounting together to over

£11,000, obtained from the taxes on carriages and pawnbrokers' licences, were paid for the same purpose, it might be said the Dublin police force cost the national Exchequer over £118,000. That was a most extravagant expenditure. In all England outside the metropolitan area, the police cost the Government £290,000, and in all Scotland the cost was £45,000. The Dublin police cost, therefore, two-and-a-half times as much as those in all Scotland, and taking England and Scotland together, the Dublin police cost the country one-third more. The population of England and Scotland, outside the metropolitan area, was 22,000,000, and the population of Dublin was about 300,000. That large expenditure was going on from bad to worse, and it seemed that the more peaceful Ireland became the greater was the police force required in Dublin. By-and-by Parliament would be asked to pay the house-rent of the people of Dublin. By that Supplementary Vote the amount which the Committee was now asked to vote for the Irish Constabulary was raised to £1,137,000, and if the Dublin police force were added the amount was increased to £1,277,000. A penny in the pound might be taken off the income tax in England and Scotland, if the Irish people would pay their own police expenses.

Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £1,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the Salaries and Expenses of the Commissioners of Police, of the Police Courts, and of the Metropolitan Police Establishment of Dublin."—(Mr. M'Laren.)

MR. VANCE said, he wished to remind the Committee that it was an arrangement made by Sir Robert Peel that the expenses of the Irish Constabulary should fall upon the Consolidated Fund. In Dublin, however, only one-half was paid out of the Consolidated Fund, the remaining moiety being defrayed by the inhabitants. The hon. Member for Edinburgh must remember that the situations of Dublin and Edinburgh were widely different. Dublin was a seat of government, whilst Edinburgh was not. Dublin contained double the number of inhabitants that Edinburgh did; and it was a real metropolis, which Edinburgh was not. The finan-

cial arrangements of the City having been concluded before the increase was granted, the Government had wisely borne the whole this year, intending that hereafter the Dublin people should pay a proportion, to which they did not object. Unless the hon. Member for Edinburgh was jealous of Dublin, he ought not to oppose the Vote.

MR. PIM, while supporting the Vote, said, that the hon. Member for Edinburgh had fallen into error in regard to the population of Dublin; but, taking everything into the account, the cost of the police in Dublin appeared to be very high compared with the cost in Edinburgh. The amount available for the payment of the police might, however, be considerably increased by the removal of exemptions of Government and other classes of property from the police rate, and by the enlargement of the Dublin police area. He would ask the Government whether there were no means of diminishing the number of the police?

LORD ECHO recommended the withdrawal of the Amendment, on the ground that a strong police Force, coupled with the Peace Preservation Act, formed part of the policy of the present Government.

MR. CANDLISH regretted that a question of such magnitude should have been brought forward at so late a period of the Session. Last year the maintenance of police in Ireland cost £978,000. The cost this year, including these Supplementary Votes, would be £1,277,000, or an increase of £299,000. This charge was becoming so serious as to call for the gravest consideration on the part of the Government and of Parliament. The increased pay to the men was inevitable; but, considering the peaceful state of Ireland and the loyalty of the people, a force of 12,000 was too large. Another alternative was to make the Irish people themselves pay for the maintenance of their own police, as the English people paid for theirs. He hoped his hon. Friend (Mr. McLaren) would take the sense of the House on his Amendment.

MR. SCLATER-BOOTH said, if that increase of 25 per cent to the pay of the Dublin metropolitan police was justifiable, what a comment it was upon the policy of the Government that they should be obliged to accept *en bloc* the recommendations of their Commissioners in that manner. Such a proposal could

never have been seriously made to the House except in the last week in July. The noble Lord the Chief Secretary for Ireland said that next year he would propose that the City of Dublin itself should pay an increase of 2d. in the pound for the additional pay of the police. He (Mr. Sclater-Booth) had no great hope that that proposal would be carried out; but in order to stimulate the Government to make it, he would suggest that the hon. Member for Edinburgh should propose to reduce the Vote by £10,000, which would be the amount yielded by a 2d. rate. If the hon. Member would agree to that alteration, he should be happy to support him in his Amendment. While the Government resisted the Motion of the hon. Member for South Devon (Sir Massey Lopes), they were in this case proposing a large grant from the Imperial Exchequer in aid of local rates. Some explanation was required from the Treasury as to why they accepted the recommendations of their Commissioners so implicitly in that matter, and yet declined to accept their recommendations in regard to the Civil Servants in Dublin, into whose position and remuneration they were also authorized to inquire. Before adding 25 per cent to the pay of the Dublin police, surely the Government ought to have seen whether the whole Force might not have been reconstructed.

MR. BUTT thought when a comparison was drawn between the cases of Dublin and Edinburgh, it should be remembered that the Edinburgh police were under the control of the municipality of that city, whereas the Dublin police were exclusively controlled by two Commissioners appointed by the Lord Lieutenant. In Ireland they had a system of government based on distrust of the people, while in England they had a system of government based on trust of the people. He should be glad to see the police of Dublin placed under the control of the municipality, and employed for the purpose of keeping the peace, and then the inhabitants of Dublin would be willing to pay for them. But at present the police of Dublin were used for political purposes, and to prevent peaceable meetings of the citizens, and that spoilt them for the purpose of keeping the peace. While that system was continued

justice required that the whole cost of police in Dublin should be borne by the Imperial Exchequer.

SIR DOMINIC CORRIGAN said, he had often been astonished by speeches which he had heard in that House, but he was never more surprised than that night. His Scotch Friends—who now said “Ireland is peaceable, therefore reduce the Irish police”—were, at least some of them, the same party who not long ago said “Double and treble the police force in Ireland.” Why was that change? It was “money”—nothing but “money.” His hon. Friend the Member for Edinburgh said the police of the City were under the municipality; and, that being so, he (Sir Dominic Corrigan) had no doubt their duties did not extend beyond the municipality; but the duties of the Dublin police extended nine miles beyond the city, and many miles along the coast with the foreshore and river and some distance out to sea. In London, if he was rightly informed, they had a river police. In Dublin their police must do both land and sea service. When they compared the Dublin with the London police, the difference in the conduct of the two was great. What did the London police do recently when there was wanted an increase of salary? They marched to Trafalgar Square, and said, addressing the authorities—“Pay us properly; if you will not, we will leave you.” The Irish police bore their sufferings; and did not threaten. He hoped the Committee would pass the Vote as proposed, without any reduction, and that more especially when they considered the fidelity the Force had evinced throughout the Fenian disturbances. He attributed much of the costliness of the Dublin police to the practice in that City of keeping the public-houses open all day on Sunday and to a late hour on Saturdays.

COLONEL BARTTELOT regarded that as an important question, but thought the hon. Member for Edinburgh had asked them to reduce the Vote too much. They paid not long ago a little more than half of the cost of this Force, and now they were called upon to pay the whole of this increase. He thought they ought to keep on the lines which had been already laid down, and if the hon. Member for Edinburgh would move to reduce the amount by £12,000, he

thought a good many hon. Members would be inclined to vote with him.

COLONEL STUART KNOX was surprised to hear the speech of his hon. and gallant Friend. Every country ought to pay according to its resources; but although Ireland was a poorer country than either England or Scotland, she was called upon to pay more than her just proportion to the Imperial Exchequer. That Vote, then, would only tend in some small measure to adjust the disproportion which at present existed, and he would therefore support it. If the public Exchequer did not bear the expense, the Fenians and Home Rulers who kept up a state of disquietude in the country ought to do so, and therefore he would have no objection to Government placing a poll-tax upon those gentlemen.

MR. HUNT said, there were two faults in the proposal made by the Government. One was, the time when it was brought forward, and the other, the merits of the proposition itself. No explanation had been given why that addition to the charge for the Dublin Police Force had not been brought forward in the Original Estimates which were in the hands of hon. Members at the end of February. As the Report of the Commission was presented before the close of last year, the Government had ample time before now to decide whether they would grant the increase to the police or not. For his own part, he entertained a strong objection to the proposition on its merits. The question as to the proportion of payment by local authorities for police purposes had been repeatedly raised in that House, especially by his hon. Friend the Member for South Devon (Sir Massey Lopes), in a discussion which resulted in a majority of 100 against the Government; but, notwithstanding that circumstance, the Government had since refused to give any assistance to the local authorities for the payment of the police throughout the kingdom. It was now proposed, however, to make an alteration in the proportion paid by the Imperial Exchequer and the local authorities respectively in the case of Dublin. It was proposed, indeed, that the whole of the addition should come out of the Imperial Exchequer. He objected to the question being dealt with in that piecemeal way, on the ground that if any change were made, it

ought to be made with regard generally to the whole of the United Kingdom. It appeared to him that the right proportion of the addition would be for the local rates to bear £12,000, and the Imperial Exchequer £14,000, and he would support the Amendment if it were altered to that sum.

MR. PLUNKET asked the House to hesitate before they adopted the Amendment of the hon. Member for Edinburgh. The increase of pay to the Dublin police was but an act of justice, and the money was asked for in order to carry out the recommendation of the Commissioners, who reported that when there were strikes of the police in London and great excitement, the Dublin police maintained an attitude of the most stoical and loyal calmness. For that very reason the Commissioners pressed on the Government not to delay doing what was right in the matter. It was true the apprehension of further delay caused something like a threat of a strike on the part of the Dublin police, since all the men declared they would give as a body a week's notice, which individually they were entitled to do; but Colonel Lake, who had secured their confidence, made an appeal to their loyalty and forbearance, and a strike was prevented. If, however, the present measure of justice were longer delayed, hon. Members might regret the consequences. He hoped it would not go forth to the public of Ireland that this so long-delayed act of justice was still to be postponed. All he could say was that the consequences would be that the House would probably hear of the matter again.

VISCOUNT SANDON thought that if Ireland desired legislation separate and distinct from that of England as she had in respect to the Church and as regarded landed property, she ought to pay for it. At the same time, Irish Members should make allowance for the interference of English Members, whose constituents otherwise would have to bear the pinch of that kind of legislation.

DR. BALL said, the proposition of the Government was an exceedingly fair one—that hereafter the proportion of increase should be paid by the City of Dublin. It was but a simple act of justice to the police to give them the increase; but at present, there were no means of making the City of Dublin pay it. It was impossible to reduce the num-

ber of the Force, and the effect of the proposal of the hon. and learned Member for Limerick that the police should be placed in the hands of the Corporation would be that it would become necessary to send over a military Force to take care of them.

THE MARQUESS OF HARTINGTON said, in answer to the remark of the hon. Member for North Hants (Mr. Slater-Booth), that the Report of the Commission was received in December, and, although the Estimates were laid on the Table in February, they were, as a matter of fact, prepared long before—too long before to admit of the Government having fully considered the Report. They, therefore, inserted in the ordinary Estimates an item for provisional increase, seeing, whatever might be their decision on the general recommendations, a considerable increase would be necessary. Since that time they had gone into all the recommendations, and, not seeing that any modification could be made, they had nothing to do but to propose them *en bloc*. No one acquainted with Dublin could suppose that the constabulary there was in excess of the ordinary police duties, and it was a matter of fact that the officer in command would be glad to have the Force increased for purely police purposes. Why Dublin should require a larger police Force than Edinburgh he left it to the hon. Member for Dublin (Mr. Pim) to explain. The hon. and learned Member for Limerick (Mr. Butt) had maintained that the Irish constabulary was a political Force; but, whatever might be said in regard to the Royal Irish Constabulary, he thought nobody could contend that the Dublin police was not a success for police purposes, or that it was a political Force in any sense of the word. A reduction of the Vote would have a most unfortunate effect on the Force, and he trusted the Committee would not assent to it.

MR. HENLEY said, it was, perhaps, unavoidable that the Government at the fag-end of the Session should have to propose such a large increase in the pay of the constabulary of Ireland; but still it was neither just nor politic to alter the proportion of Imperial aid given in one case without reference to others. One would have thought that that was a question which the Government ought to have carefully avoided; and, what-

ever happened that night, the fact would not be easily disposed of. The pay of the police had been increased in most counties; but the Government had not increased their contribution; and why should the Government do for Dublin what it had not done for any other part of the country? The proportions ought to be kept the same in all places; and, if any alterations were to be made, the claims of the United Kingdom should be fairly weighed. That was a wholly separate question from increase of pay, and he did not see why the Government had mixed up the two.

MR. M'LAREN said, the first vote he gave in the House was against the suspension of the Habeas Corpus Act in Ireland; he was then in a minority of 5 against 300, and he had since warmly supported all measures which Irish Members believed to be for the benefit of Ireland. The question now was, not whether the increase of pay should be given, but who should pay it. In compliance with the suggestions made, he would, if permitted, withdraw his Amendment and move another.

*Motion, by leave, withdrawn.*

*Original Question again proposed.*

*Motion made, and Question put,*

"That a Supplementary sum, not exceeding £14,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the Salaries and Expenses of the Commissioners of Police, of the Police Courts, and of the Metropolitan Police Establishment of Dublin."—(Mr. M'Laren.)

The Committee divided:—Ayes 71; Noses 124: Majority 53.

*Original Question put, and agreed to.*

(10.) £153,750, Constabulary Force (Ireland).

THE MARQUESS OF HARTINGTON said, it was the intention of the Government to revise the whole of the expenditure under this head, and, if possible, not only reduce the Force during the Recess, but devise some scheme by which the Irish counties should contribute a reasonable proportion of the expense.

MR. HUNT complained that the Government had not made up their minds upon the subject long before this. It was most extraordinary that they should have waited until the last days of July to increase the Vote for the Irish con-

stabulary to the extent now proposed. He protested against that course.

*Vote agreed to.*

(11.) £23,725, Supplementary sum, Miscellaneous Legal Charges in Ireland.

MR. CALLAN said, there was an impression in Ireland that the Vote was applied to corrupt purposes. He protested against such a Vote being brought forward at the fag-end of the Session.

THE MARQUESS OF HARTINGTON said, he had listened with patience to what the hon. Gentleman had said, believing that he would have given some reason for saying that the Vote was for corrupt purposes.

MR. CALLAN explained what he had said was, that the feeling in Ireland was that it was intended for corrupt purposes.

THE MARQUESS OF HARTINGTON asked the hon. Gentleman to say what were the corrupt purposes to which he had alluded? If the hon. Gentleman objected to the Vote, he should have opposed the 63rd clause of the Irish Land Act, which provided that remuneration should be given to certain parties, and it was to carry out that object this Vote was proposed. The hon. Gentleman ought to have given some grounds for making such an extraordinary statement, and stated against whom, or to what it referred.

LORD ELCHO asked if the charge was in consequence of the Irish Land Act?

THE MARQUESS OF HARTINGTON: Yes; the 63rd section of the Act was, that additional remuneration for duties cast upon the Chairmen of Quarter Sessions should be paid out of the Imperial Exchequer.

LORD ELCHO said, that if the 63rd section was what the noble Marquess stated, then the Act was not what he thought.

MR. VANCE asked, why the case of the officers of the Civil Bill Courts was not considered as well as that of the Chairmen of Sessions?

MR. BAXTER said, it was under consideration; but a difficulty had arisen with respect to them as they were paid by fees, and not by salaries.

*Vote agreed to.*

(12.) £27,000, Supplementary sum, British Museum.

Lord GEORGE HAMILTON said, he must draw attention to the increased duties which would be thrown upon the officers of the Museum by the purchase of the Castellani and other Collections. The noble Lord was proceeding to urge the propriety of increasing the salaries of these officials, in consequence—when

THE CHAIRMAN called the noble Lord to Order. The Vote now before the Committee was of a definite sum for a specific purpose—the purchase of the Castellani Collection. The grant of salaries having already been voted, it was not competent to the noble Lord to revert to that question.

LORD GEORGE HAMILTON submitted that if he was out of Order, the Chairman was still more out of Order in proposing to the Committee a Vote for the "Salaries and Expenses of the British Museum," when it was in reality a Vote for purchasing a Collection of Greek and Roman antiquities. It was, he ventured to suggest, still more out of Order for the Treasury, through the Chairman of Ways and Means, to ask the Committee to vote £27,000 towards the salaries and expenses of the British Museum, when that sum was not to pay such salaries and expenses. If he was out of Order, it was because the Treasury had not correctly described the Estimate.

MR. BAXTER explained that the heading of the Estimate was prescribed by the Exchequer and Audit Act, but the Vote put from the Chair did not bring in the words of the Estimate.

MR. BAINES said, he had given Notice to the right hon. Member for Cambridge University of a Question which the right hon. Gentleman had consented to answer. He wished to ask if there were not upon the shelves of the British Museum a large number of duplicate copies of books, which—["Order!" "Question!"]

THE CHAIRMAN said, the Question before the Committee was a Vote for the purchase of the Castellani Collection, and it was very desirable that hon. Gentlemen should keep to that question.

MR. HUNT said, he thought the whole matter of the Vote might be brought under discussion upon a Supplementary Vote, as he understood this Vote was for a sum required to supplement the sum already voted for the salaries and expenses of the British Museum. He submitted that his noble

Friend was perfectly in Order, when it was proposed to add to the duties of the officers of the British Museum by entrusting to them the care of certain acquisitions, to discuss the question whether they were adequately paid for their duties.

THE CHAIRMAN said, he did not interrupt the noble Lord (Lord George Hamilton) whilst he confined his remarks to the question of the additional duties which would be imposed upon the officials by the purchase of the Collection; but when he departed from that to discuss the general questions of duties and salaries, he thought it his duty to interfere.

MR. CAVENDISH BENTINCK thought the noble Lord had a perfect right to move the omission of the Vote, and, as an argument for the Motion, to refer to the inadequacy of the present salaries.

MR. BAINES said, he would repeat his Question to the right hon. Gentleman the Member for the University of Cambridge to-morrow.

LORD GEORGE HAMILTON expressed his regret if what he had said should be deemed to imply any discourtesy towards the Chairman—he had merely desired to call the hon. Gentleman's attention to what he considered a mistake in his ruling. As the Chairman ruled that he was out of Order, he would not pursue the observations which he had intended to make, but would simply ask the Secretary of the Treasury, whether the Government would reconsider the scheme or memorial which was forwarded to them in March last?

After a pause—

LORD GEORGE HAMILTON moved to omit the Vote.

On Question? Vote agreed to.

(13.) £1,500, Supplementary sum, National Gallery.

(14.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £3,711, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the Expenses of Her Majesty's Embassies and Missions Abroad."

MR. CAVENDISH BENTINCK complained that the discussion of the Vote had been postponed to one of the last days of July. He objected to the Vote on a principle of public policy—namely,

that no presents should be made to Judges, and Judges these Arbitrators were to all intents and purposes. A few days ago the Prime Minister, in answer to a Question he (Mr. Cavendish Bentinck) put to him on this subject, referred to five cases which he called precedents in support of that proceeding; but not one of them applied to this case. All of them were cases in which gifts were presented to agents of Foreign Governments for services rendered to British subjects. Nobody could doubt that if a present were offered to the Lord Chief Justice of England for having taken part in that Arbitration, he would refuse it. If presents were to be made to the Foreign Members of the Geneva Arbitration, why was it not proposed to offer a present to the Emperor of Germany who had discharged judicial duties of, perhaps, more importance to this country than had those Arbitrators? In 1824 a sum of £533 was voted to the Danish Minister; a Vote of £1,000 was passed for a present to the Emperor of Morocco on his accession; and in 1829, £2,000 was voted as a present to the Grand Seignor. Arbitration, it seemed, was to be the guiding principle for the future. But was it not right to stop the practice of giving presents in such cases? In foreign countries it was true the giving of presents to Ministers was of common occurrence; but he altogether objected to such payments as this, and should therefore move the rejection of the Vote.

VISCOUNT ENFIELD explained that under the 8th Article of the Treaty of Washington the two Governments proposed to pay the personal and travelling expenses of the Arbitrators appointed by the Brazilian, the Italian, and the Swiss Governments. The Italian and Swiss Arbitrators accepted the payment of those expenses, the Brazilian Arbitrator declining to accept them. Near the close of the Arbitration, the American Counsel proposed that he should consult the English Agent as to what should be the remuneration to be given to the three Arbitrators. The English Agent declared that he was not empowered to make any proposal of that nature, but that he would refer home for instructions. He did so, and the instructions he received from Her Majesty's Government were to the effect that, in their opinion, it would not be seemly to offer a sum of

money to the Arbitrators, considering their judicial capacity and the functions they had performed; but that, in accordance with diplomatic usage, they thought it might be perhaps advisable to present them with some complimentary testimonial in the shape of a piece of plate. To that the American Government agreed, and they had themselves provided three pieces of plate for the Arbitrators. It became the duty of Her Majesty's Government to provide the same; the sum asked for was about equal; and he trusted that after that explanation the Vote would be agreed to.

Question put.

The Committee divided: Ayes 138; Noes 16; Majority 122.

(15.) £51,706, Supplementary sum, Colonial Local Revenue, &c.

(16.) £15,000, Supplementary sum, Tonnage Bounties, &c.

(17.) £14,000, Supplementary sum, Temporary Commissions.

MR. MACFIE objected to the Vote, and asked whether it was the intention of the Government to send out a Royal Commission to Vienna?

MR. BAXTER said, there was no intention to do anything of the kind.

MR. BOWRING complained of the late period at which the large Supplemental Vote for the Vienna Exhibition Commission had been applied for. Owing to the niggardly Vote taken in the first instance, to the small amount of which he had before called attention, the Commissioners had actually been compelled to defray many of the expenses out of their own pockets.

Vote agreed to.

(18.) £7,000, Supplementary sum, Miscellaneous Expenses.

MR. ANDERSON objected to the manner in which the Vote was put in, inasmuch as the House might be called on hereafter to pay a further sum. He thought the whole charge ought to have been placed on the Civil List.

THE CHANCELLOR OF THE EXCHEQUER said, that, as he understood, £7,000 would be the whole expenditure charged to the public. Her Majesty undertook one portion of this expenditure and the Treasury the other, and he believed the public would have the best of the bargain.

Vote agreed to.

(19.) £5,760, Repayment of Moneys under the Kensington Station and North and South Junction Railway Act 1859 (Repayment of Moneys) Act 1872.

(20) £10,000 Dover Harbour.

MR. CHICHESTER FORTESCUE explained that the Vote was intended to be applied towards the completion of these works, according to a plan which had been sanctioned by high engineering authority.

MR. RYLANDS said, if the Vote were agreed to, the House would be committed to an expenditure of £850,000, or perhaps £1,000,000.

MR. CHICHESTER FORTESCUE said, £500,000 would be lent by the Public Works Loan Commissioners on security of the harbour dues.

*Vote agreed to.*

(21.) £43,000, Supplementary sum, Telegraph Extension Works.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—  
(*Mr. Miller.*)

Motion, by leave, withdrawn.

#### SUPPLY—NAVY ESTIMATES.

(22.) £847,462, Half-Pay, Reserved Half-Pay, &c., Navy and Royal Marines.

(23.) £167,740, Freight of Ships, &c.

(24.) £12,000, Supplementary sum, Navy (Scientific Branch).

(25.) Motion made, and Question proposed,

"That a Supplementary sum, not exceeding £15,000, be granted to Her Majesty, to defray the Expense of the increased Rate of Retired Pay to certain Classes of Officers now on the Active List."

SIR JOHN HAY, in moving to omit the item of £15,000, said: Mr. Bonham-Carter—At this period of the night, I shall detain the Committee as short a time as possible on the subject of the Vote which has just now been proposed. The Committee will remember that not long ago, by the indulgence of the House, I took an opportunity of moving for a Committee to inquire into the discontent which at present exists in the Navy, owing partly to the scheme of retirement, and partly to the great absence of promotion which at present exists. I, on that occasion, had an opportunity allowed me by the House of pointing

out the stagnation of promotion, mainly due, in my opinion, to the Retirement Scheme of 1870, and that the public charge which it had been anticipated would be reduced in the course of the past three years had not been so reduced, but remained at the same figure at which it was before with reference to the retired pay, the half-pay, and the reserve pay of the Navy. I had hoped that the inquiry by the Committee for which I moved would, if the House had granted it, have given further information to this House, and would have enabled the Government to make proposals with the view of modifying the present arrangements, and of restoring in some degree that contentment to the officers of the Navy, which at present is so sadly wanting. But my hon. Friend the Member for Hastings (Mr. T. Brassey) thought it better to move as an Amendment to my proposal, for a Committee which should inquire into only part of that subject; and the House agreed with my hon. Friend in that course. If that Committee had been appointed—I attribute no blame to my hon. Friend, who explained to the House the reasons why it was not appointed—I believe we should have had an opportunity of inquiring partially into this matter; and the right hon. Gentleman the First Lord of the Admiralty, in proposing on the last day of Supply a further grant of £15,000, would perhaps have been able, as I think, to apply it in a better manner than he now proposes. Even supposing the Committee were ready to grant this sum, it might have been rendered unnecessary by making certain changes which I think would be advisable to have proposed to the House, instead of voting a sum of money at this period of the Session after the Estimates have all been considered. Now, the House must remember that when the scheme of Naval Retirement was proposed in 1870, it was stated, in proposing it to the House, that at the end of three years that increased charge would be diminished to the sum at which it then existed. But a Return which is on the Table of the House shows that there is no diminution, and therefore we may assume that this £15,000 will also be a continuous charge for the future upon the Naval Votes. I wish to point out to the House why I think it is unadvisable that they should at the present time

grant this additional £15,000 for this purpose. Let me say, first of all, that there are one or two kinds of naval retirement which the House will always sanction. There is, for instance, the retirement of those officers who are too old to serve, and whom it is wise, no doubt, to retire upon pensions for the services which they have previously rendered, but which they are not able to render any more. But the object of retiring these officers is that younger men may be appointed in their place. Now, this scheme is not made with that view. The object of this proposition, as I understand it, is to reduce the Lists to the given number which is supposed to be the number which is right and proper for this House to maintain as officers on the Active List of the Navy. Now, I wish to point out to the House that the number so proposed is far too small for the purpose. It must be remembered by the Committee that it is quite the same to the country whether the pay of the officers is on the Retired List, or on the Active List, so far as the public charge goes; excepting that they cost a little more upon the Retired than upon the Active List, and that, singularly enough, we of all nations in Europe—it is very difficult to explain what we do—we buy men, who are active and efficient, out of the Navy, on condition not that they should serve, but that they will not serve. That is to say, active and efficient persons who have been trained in that profession are given considerable sums of money not to trouble the First Lord of the Admiralty to give them commands or employment. That is the sole object of this proposition. If it were that these men were inefficient, or that they were too old, then one would understand that it would be wise to give them sums of money to go away; but if they were simply inefficient they might be got rid of in a cheaper manner—and that is by court-martial, which would turn them out of the service. If, however, they are too old, it is quite right to pension them; but in the place of those so retired others should be promoted, so as to keep up a proper flow of promotion. Now, I have with considerable trouble—and thanks to a gentleman, whose name I mentioned before—Mr. Hickman—a most competent authority—had carefully prepared the present condition of the Active List, both of its ships and the offi-

cers upon it. I am not now going into the question of the Flag List, because I understand this proposition is not for retiring flag officers. Be that as it may, all I am now going to do is to see whether it is wise to reduce the Active List of the Navy as low as it is proposed to reduce it, and whether it is wise to buy out of the Navy efficient officers whose places you will have to fill—I do not say in the event of a naval war, but in the event of any disturbance which obliges you to commission the ships which you have. Now, you have at this moment 88 post ships in commission, and of captains 88 employed; and you have of ships 66—ships which with some repair might be commissioned. (I have carefully excluded wooden line-of-battle ships, which I think ought not to be considered efficient men-of-war.) I have taken ships, which without any considerable repairing or expense are at the disposal of the right hon. Gentleman the First Lord of the Admiralty, and which he would be required to commission in the case of the slightest naval disturbance. The names of these ships which I have taken are entirely at his service—I hold them in my hand—but at so late a period in the evening I will not trouble the Committee by going into that detail. I hope they will believe that this Return is accurate. Well, there are 88 captains in ships in commission. There are of ships in the Reserve a very small number fit for service—namely, 66. These together make 154 captains who would be required if these ships were commissioned. It is proposed to reduce the number of captains to 150. Now, that is to say, that we should have four captains less than the ships in which we require to put them. But surely it is necessary to have a margin for men who may be ineffective—for men who will require leave; and therefore it cannot possibly be right to reduce the number below the number of ships which in three months time it may be necessary from political exigencies to find captains for. I have no doubt the right hon. Gentleman will answer—"I will promote commanders;" but what will be the effect of that? There are at present 110 commanders' commands, and there are 49 commanders employed in the Coastguard, making 159. There are 76 commanders' ships in the Reserve, which would make the

total required for ships and the Coastguard, 235. The proposal is to reduce the commanders' list to 200. We should therefore—unless we took all the commanders out of the Coastguard, which under the circumstances would have to be done—be 35 commanders short. What we should be required to do would no doubt be to take commanders out of the Coastguard. In that case you would have a surplus of 14 commanders. But then you would have no commanders in the Coastguard, and no Reserve commanders, and would have to fall back upon the lieutenants' list. Let us see how the lieutenants' list stands. There are now afloat 485 lieutenants employed actively, and there are required for these 66 captains' commands and 76 commanders' commands, 369 lieutenants. The ordinary complement—I am not speaking of the extraordinary complement for war, but only the complement for these ships as at present regulated—so that the number of lieutenants actually required would be 854, if we were to commission the very small number of ships which we at present have, and without looking to the necessity for hiring ships in the event of a great naval war, or the thousand and one duties which lieutenants have to be employed in, in the event of actual hostilities. It is proposed to reduce the lieutenants' list to 600, leaving 254 lieutenants short in the event of a naval disturbance. Now, it is no discovery, for hon. Gentlemen who have taken the trouble to read the Reports of Royal Commissions or of Committees of this House which have inquired into this subject, will have found that the lowest number of lieutenants ever put by any First Lord was 900. Some First Lords put the numbers as high as 1,200, and 1,000, and there were then 900. Some naval officers examined before a Committee of this House, presided over by the right hon. Member for Cambridge University (Mr. Spencer Walpole), put the number at 800 and 700; but the Duke of Somerset, who was then First Lord, said he would not be responsible for the Navy with less than 900 lieutenants. Now, that is a calculation which I confess I have never made so carefully before, but I have had it carefully made for me by Mr. Hickman, who gives the names of the ships in commission and reserve, with the number of officers

actually in them and their different ranks, showing that if you reduce your captains' list as you propose to reduce it, you will be four short; that if you reduce your commanders to 200, the establishment proposed, you will have 35 commanders short, and that if you reduce your lieutenants to 600, you will be 254 lieutenants short. Now, I do not propose to go through the other ranks, nor to delay the Committee by a long discussion upon this point; but it does seem to me that it will be very disadvantageous to the Navy if we grant this money for the purpose of persuading active men to go out of the Service; and I think it is a most wasteful expenditure of the public money to buy efficient men out of the profession, and not keep them in some reserve where you could call upon them to serve in case their services were required. It may be said that there are a considerable number of junior officers whom it is desirable to promote into these ranks. Well, I confess I look with some alarm on the very large number of junior officers. The Return which was laid on the Table very lately has shown that there are between 900 and 1,000 officers below the rank of lieutenant, and at the present rate of promotion they may be 50 years in that rank; but if the lists were made up to the number required, if new promotions were made so that you should have at least 200 captains, at least 250 commanders, and at least 900 lieutenants, you would have a due and proper flow of promotion at once in the Navy, and relieve the right hon. Gentleman from the difficulty under which he labours with regard to these junior officers who have been admitted to the Navy, and for whom at present in these reduced Lists there seems to be no prospect of advancement. Now I say this also, that if the Committee intends to give grants to the First Lord of the Admiralty for this purpose, and to the Government, it would be desirable that the half-pay of the Navy should be increased and not the retired pay. Either you are going to buy out the best men and to give them an increased salary for going away from your service, or you are going to reward worse men by giving them higher pay for leaving, than the good men whom you wish to retain on the half-pay list. The course I have suggested would certainly ensure the

*Sir John Hay*

most prudent application of the public money. The numbers of the Navy ought at least to be adjusted so that ships if commissioned may have fit and proper officers put in them; and if the House is generous and about to grant this money to the Admiralty, it should be applied in raising the half-pay of the good officers of the Navy whose services you desire to retain, and not in buying out those who either do not wish to serve or whom you do not wish to retain in your service. I therefore, Sir, move to reduce the Vote by the sum of £15,000.

MR. GOSCHEN said, he was glad to hear the admission that there were 66 ships in command of captains fit to go to sea in three months. The fact was that there were 21 captains in command of peace or non-fighting ships, and the same remark applied in proportion to the number of commanders and fighting lieutenants. There were a large number of junior officers coming up, and thus a constant supply of lieutenants would be maintained. What was wanted was to ensure more constant employment of captains and commanders than at present, and the Admiralty had made one or two alterations in the scheme proposed by his right hon. Friend (Mr. Childers), in order to meet the views of officers of different ranks if they would retire at once. The captains above seven years' seniority would receive a minimum retired pay of £450, or £100 in addition to the retired pay to which they were now entitled, but not to exceed in all £600. The captains under seven years' seniority would receive £400, or £100 in addition; but also not to exceed £600. The commanders above three years' seniority were to receive £300, and under three years' seniority £260, or £100 in addition to retired pay, but not to exceed in all £400. The lieutenants were to receive £75 per annum in addition to retired pay to which they were now entitled, but not to exceed in all £300. The sub-lieutenants would receive 5s. a-day. The scheme would be a temporary one. The opportunity of retirement would only be left open for a given time, and only 70 captains, 100 commanders, and 80 lieutenants would be allowed to retire. The object was to reduce the list in order to give more frequent and constant employment to those who remained—a point to which

the Government attached the greatest importance, both as regarded the position of the officers and the efficiency of the Navy.

ADMIRAL ERSKINE expressed his strong disapproval of the plan. In a financial point of view the scheme was preposterous, and would in no way satisfactorily remedy the extreme disproportion which existed between the senior and junior officers.

ADMIRAL EGERTON thanked the First Lord of the Admiralty for his concessions. He differed with his hon. and gallant Friend, and cordially approved of the plan proposed by the Admiralty. It was most important to have at all times a sufficient number of officers to meet any emergency that might arise, and he considered it a great advantage to keep them employed, and give them an increased chance of promotion.

Question put.

The Committee *divided* :—Ayes 69 ; Noes 30 : Majority 39.

(26.) £142,901, Greenwich Hospital and School.

House *resumed*.

Resolutions to be reported *To-morrow* at Two of the clock.

#### WAYS AND MEANS.

*Considered* in Committee.

(In the Committee.)

*Resolved*, That towards making good the Supply granted to Her Majesty for the Service of the year ending on the 31st day of March 1874, the sum of £26,470,716, be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock.

House adjourned at Three o'clock.

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#### HOUSE OF LORDS,

Tuesday, 29th July, 1873.

MINUTES.]—PUBLIC BILLS—*First Reading*—Endowed Schools Act (1869) Amendment\* (253); Merchant Shipping Acts Amendment\* (254); Defence Acts Amendment\* (255); Conspiracy Law Amendment\* (256). *Second Reading*—Penalties (Ireland)\* (242); Elementary Education Act (1870) Amendment, &c. (243); Langbaugh Coroners\* (248).

*Report*—Salmon Fisheries\* (249); Metropolitan

Tramways Provisional Orders\* (229).

*Third Reading*—Petitions of Right (Ireland)\* (233); Revising Barristers\* (244); Extradiation Act (1870) Amendment\* (235); Turnpike Acts Continuance, &c. \* (245), and *passed*.  
*Withdrawn*—Pollution of Rivers (230).

HIS ROYAL HIGHNESS THE DUKE OF EDINBURGH.—THE QUEEN'S MESSAGE.

Her Majesty's most gracious Message of yesterday *considered* (according to Order).

EARL GRANVILLE: My Lords, I rise to move that an humble Address be presented to Her Majesty, to thank Her Majesty for the most gracious communication which it has pleased Her Majesty to make to this House of the intended marriage between His Royal Highness Alfred Ernest Albert, Duke of Edinburgh, Earl of Kent, Earl of Ulster, Duke of Saxony, Prince of Saxe Coburg and Gotha, and Her Imperial Highness the Grand Duchess Marie Alexandrovna, the only daughter of His Majesty the Emperor of all the Russias, and to assure Her Majesty that this House, always feeling the most lively interest in any event which can contribute to the happiness of the Royal Family, will concur in the measures which may be proposed for the consideration of the House, to enable Her Majesty to make a further provision for His Royal Highness on this occasion. My Lords, this is not the first occasion on which I have had to ask your Lordships to agree to a Motion such as this, and past experience enables me to anticipate that your Lordships will now give expression to the same feelings of satisfaction that you have invariably manifested on previous similar occasions. In the first place, your Lordships' House, as well as the other House of Parliament and the country at large, has always evinced a lively satisfaction in anything calculated to promote the happiness of Her Majesty and of the Members of her Family. In the second place, your Lordships have always felt the more pleasure in returning a humble Answer in response to a similar communication from Her Majesty, because of the fact that, in reference to the marriages of their children, the Queen and the Prince Consort always proceeded on the principle that they should be marriages of mutual affection, and that precedent has been

faithfully observed on the present occasion. I believe I need hardly mention how young the Duke of Edinburgh was when he first conceived the hope of this union; and, my Lords, the basis on which the negotiations for this marriage were conducted by Her Majesty and the Emperor of Russia was, that the proposed union was based upon mutual affection, and of such a character as to promise happiness to both. That this is the case in the present instance there is no doubt. Formerly, much importance was attached to marriages made with political objects; but your Lordships are aware that such unions have but rarely resulted in accomplishing the political objects for which they were intended, and certainly we are aware how little in these days alliances between Royal Families affect the policy of nations. There can, however, be no doubt that it is for the interest of both Russia and England that the two countries should be on good terms; and there have not been wanting proofs of the desire of His Majesty the Emperor of Russia to maintain friendly relations with this nation. Although, however, I do not think that this bears in any degree on the question of this marriage, it is, my Lords, a fortunate circumstance that in this instance, all circumstances combine to render the marriage one on which we can sincerely offer our congratulations to Her Majesty. With these few remarks, my Lords, I beg to move the Address.

THE MARQUESS OF SALISBURY: My Lords, in the absence of my noble Friend the Duke of Richmond, I beg to second the Address which has been moved by the noble Earl. I am sure that it will be acceded to most cordially by your Lordships, because whatever gives pleasure to Her Majesty must also give pleasure to every class of her people, by whom she is so much beloved. His Royal Highness the Duke of Edinburgh is well known for his abilities—he is popular for his personal qualifications, and on account of his connection with a popular profession—and the prospect of happiness which he has in this marriage will give unfeigned satisfaction to all classes of Her Majesty's subjects. Of course it is impossible not to concur in what the noble Earl says respecting Royal matrimonial alliances. I quite agree that they do not, as in past times,

affect the policy of this country—that is to say, I believe it is true that they can never again be the means of dragging this country into war. I am not, however, quite sure that they may not be the means of conducing to the maintenance of peace. No doubt, it is a matter of no slight congratulation that our Royal House is now connected with the Royal Houses of the three great nations—the Scandinavian, the Slavonic, and the Teutonic—by which the policy of Europe is determined. I cannot help thinking that peoples who have learned to respect and love Members of our Royal Family will to some extent look less as strangers on those over whom that Royal Family has so prosperously reigned. On these grounds and from motives of personal regard, and affection, as well as from motives of public policy, I believe this marriage to be one worthy of all felicitation, and I beg very heartily to second the Motion.

Then an humble Address of thanks and concurrence ordered *nemine dissentiente* to be presented to Her Majesty thereupon: The said Address to be presented to Her Majesty by the Lords with white staves.

**POLLUTION OF RIVERS BILL.—(No. 230.)**  
(*The Duke of Northumberland.*)

COMMITTEE.

Order of the Day for the House to be put into Committee read.

THE DUKE of NORTHUMBERLAND said, that at that late period of the Session he felt that the only course open to him was to move the discharge of the Order for Committee; but he would bring the subject under the notice of their Lordships next Session, if the Government did not introduce a measure of their own.

THE EARL of MORLEY said, the Government were considering the subject with a view to legislation next Session.

THE MARQUESS of SALISBURY said, that the question was an important one, and the difficulty was to know how a remedy could be applied to the evil. The Select Committee found that each locality was so different in its circumstances that it would be necessary to place in the hands of the Government the most extensive powers, so that, practically, they would have power to legis-

late as they pleased in connection with the subject. That, however, was not a healthy state of things, inasmuch as it would be placing Government in a false position, and in one which Parliament itself ought to occupy. He believed that the proper course would be to appoint a body of conservators in each drainage district, giving them powers to act according to the peculiar circumstances of each. He thought it necessary to make these few suggestions, with the view of legislation on the matter next Session.

Motion *agreed to*; Order *discharged*; and Bill (by leave of the House) *withdrawn*.

**ELEMENTARY EDUCATION ACT (1870)**  
**AMENDMENT, &c. BILL.**  
(*The Lord President.*)  
(NO. 243.) **SECOND READING.**

Order of the Day for the Second Reading, read.

THE MARQUESS of RIPON, in moving that the Bill be now read the second time, said, the object of the measure was to introduce into the educational system established in 1870 various practical Amendments, which experience of the working of the Act had shown to be required. There was much cause for congratulation in respect of the working of the Act of 1870—it had greatly stimulated educational efforts throughout the country. In 1869, before the passing of the Act, the number of schools was 14,404—in 1872, these had increased to no less than 17,056. In 1869 the number of scholars in schools receiving annual grants was 1,397,379; in 1872 it was 1,668,679. In the former year the number of certificated teachers was 11,752; in the latter it was 14,771. Then, the number of pupil teachers in 1869 was 12,357, and in 1872 was 21,297. In London, with a population of 3,266,987, the whole were under school boards and compulsory by-laws. Of 224 boroughs, containing a population of 6,531,892, no fewer than 103, containing a population of 5,241,762, were under school boards, and of these boroughs 80, with a population of 4,789,828, had compulsory by-laws. Of 14,082 civil parishes, with a population of 12,913,387, the number under school boards was 445, and these contained a population of 1,485,833. Of these parishes, 110, with a population of 869,534,

were under compulsory by-laws. There were school boards for 40 per cent of the whole population, and 80 per cent of the borough population; and compulsory by-laws for 39 per cent of the whole population, and 74 per cent of the borough population. Up to the 26th of July, 1873, "first notices" were issued to 10,315 parishes, of which 4,170, or 40 per cent, were now sufficiently provided. About 3,000 more parishes remained to be dealt with, after taking into account those in London and the boroughs which were already under the school boards. The number of "final notices" issued preparatory to the compulsory election of school boards was 228. In a very large proportion of those parishes in which a deficiency had been declared voluntary effort had undertaken to supply the deficiency declared in the notices. In 1872 voluntary effort did a great deal. It contributed £339,825 to meet building-fund grants, and £506,708 for annual maintenance. This latter item showed an increase of about £100,000 over the money paid by subscribers in 1869, which amounted to £406,125. Altogether very little short of £1,000,000 had been voluntarily contributed towards the cause of education which, but for such an effect, would have had to be provided by rates. He thought that, with those figures before them, their Lordships would be of opinion that the Education Department might, with good cause, congratulate themselves upon the success of 1870, and anticipate still greater success in the future. Neither on behalf of his right hon. Friend (Mr. Forster) nor for himself did he claim any praise in respect of the manner in which the details of that great measure had been worked out—much the larger portion of that praise was due to the permanent officials of the Education Department. On his own part, and that of his Colleagues, he took this opportunity of saying how great were their obligations to Sir Francis Sandford, the Secretary, and the other gentlemen of the Department who acted under the orders of the Committee of Council. Of their energy, ability, industry, tact, and what he might call their diplomatic skill, it would be difficult to speak in terms of too great praise. The Bill now before their Lordships would not introduce any very large or extensive changes. The 3rd clause was the only one involving

any question of gravity. The Act of 1870 enabled school boards, by means of by-laws, to establish a system of compulsion in order to secure the attendance of children at school; but that system of compulsion could only be applied in parishes or boroughs where school boards existed. The figures he had already quoted showed that in 103 boroughs there were school boards, so that there were such boards for 80 per cent of the population; and that in only 445 of the civil parishes were there school boards and compulsory by-laws only in the case of 39 per cent of the population generally. Last year an Act was passed which established a system of compulsory education throughout Scotland. It could not be denied that the existence of such a system in Scotland contemporaneously with that of a system of partial compulsion in England was an anomalous state of things; but Her Majesty's Government, having given the matter an attentive consideration, came to the conclusion that it was desirable to wait for further experience in both countries, and in England to look for the present to other arrangements tending in the same direction as the Scotch system. They expected great results from a Bill which was now passing through the other House of Parliament, applying the principle of compulsion indirectly to children employed in agriculture—and this might be regarded as a step towards a general system of compulsion under what was known as Denison's Act. Boards of Guardians had power to provide for the education of out-door pauper children; but this power was permissive only, and not compulsory. About two-thirds of the Unions of the metropolis had put this power in force, and about one-half of those in the country. The 3rd clause of the Bill now before their Lordships repealed the provisions of Denison's Act and substituted others in their stead—providing that where out-door relief was given to the parents of any child between 5 and 13 years of age, or to any such child, it should be a condition for the continuance of such relief that elementary education should be given to the child; but there was a proviso in the clause that relief should not be granted or refused on condition of the child attending any public elementary school other than such as might be selected by the parent. This provision

was one of great importance in regard to the fact that 145,000 of the children were either orphans or children of widows receiving out-door relief, and these, he thought, were a class eminently deserving of consideration in any educational measure; and he confidently expected that their Lordships would approve the principle on which the Government had acted in framing the 3rd clause, and would make no difficulty in passing the Bill.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
—(The Lord President.)

LORD LYTTELTON said, what was requisite on public grounds was that all children should be educated up to a certain point; but if the parent of a child were not able, out of his own means, to pay for that education of his child he should be required and enabled to provide the child with it as he would with food or any other necessaries of life, out of the poor rates, unless he were aided by private benevolence. But the question of the school-pence, as was well known, was not the most important point—the difficulty would arise not so much from the amount to be paid for the schooling as from the giving up of the earnings of the child. If a child who was earning money for the family were taken away from his work and sent to school, so much of the general means of support for the family was gone, and to the extent of that the rates must come in. If, therefore, there was to be compulsory education, a considerable increase in the rates must be looked for throughout the country.

EARL FORTESCUE concurred with the noble Lord that the practical question was not so much the payment of the school-pence as the diminution of earnings. He felt satisfied that the facility with which in populous districts school boards might be imposed upon, in consequence of their not having, like the Guardians, any machinery for the detection of imposture, would have a pauperizing effect. He feared that the benefit of education to the children would in many cases be considerably counteracted by the demoralizing habits of successful imposture thus fostered in their parents. He looked upon the present system under which pupil-teachers almost all drawn from the wage class, were trained for an increasingly remune-

rative calling at an expense of 75 per cent to the State and 15 per cent to charity, as utterly unsound. It would be much better as a general rule to allow those who wished to become teachers to bear the expense of their own training. In that way, after testing their competency, we should have some security that they would adhere to their profession. If we did this instead of eleemosynarily training an excessive number of pupil-teachers in order to make allowance for the diversion of a certain proportion to other professions, we might attract all that would be required by giving a pension for a specified number of years' good service.

EARL NELSON drew the attention of the Lord President to the sub-sections which threw the burden of the proof of the age of the child and the efficiency of the school on the parent, who might be very ill qualified to furnish the proof required.

THE MARQUESS OF RIPON explained that there would be no difficulty in proving the efficiency of the school, because the Board assumed that every elementary school was efficient. As to age, if the child was born in the parish, the parent could easily obtain the necessary certificate; and if born in a distant parish, the parent would be the most proper person to call on to furnish the proof of age. He could not agree in the view taken by his noble Friend (Earl Fortescue) of the training colleges, for he doubted whether it would be possible to procure all the schoolmasters that would be required without them.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.*

#### CONFESSOR IN THE CHURCH OF ENGLAND.

##### ADDRESS FOR A PAPER.

THE EARL OF HARROWBY, in moving an Address to Her Majesty for Copy of a Petition recently presented to Convocation in reference to the training and licensing of a body of Confessors in the Church of England, said, their Lordships were aware that a few weeks ago a Petition was presented by the Archbishop of Canterbury to the Upper House of Convocation of that Province, signed by a considerable body of clergy-

men, praying for the training and licensing a body of Confessors within the Church. He had no wish to take up the time of their Lordships by any discussion on the subject of the Confessional. Convocation, however, was a most important body as regarded the Church, and being so it was of the utmost importance that it should possess the confidence of the laity. Now, there could be no doubt that the petitioners made a very startling proposal. He was aware that several clergymen had individually advocated confession, but they had done so on their own responsibility; but this was the first time since the Reformation, that a proposal had been made to give it the authorization of the Church itself, and it was of the utmost importance to know how it had been received by Convocation. As far as he could learn, the Bishops received the Memorial, and had offered no reply to it; but, at the same time, they had thought it right to take that opportunity of expressing their opinion upon the main subject raised by the Memorial. The consequence was that a Committee was appointed, and a very valuable Report was presented by them to Convocation. That there might be no misconception on the subject, and that the public might know not only the nature of the Petition, and the number and importance of the signatures, but also what was the reply of the Bishops, he thought it right that the transaction should in a formal way be laid before Parliament. He, therefore, begged to move the Address of which he had given Notice.

*Moved*, that an humble Address be presented to Her Majesty for, Copy of petition presented to the Upper House of Convocation of the Province of Canterbury by the Archbishop of Canterbury, praying among other things for the training and licensing of a body of confessors in the Church of England; together with the names of the subscribers and copy of the answer to the same presented by the Committee of the whole Upper House.—(*The Earl of Harrowby.*)

THE BISHOP OF LONDON, in the absence of the Archbishop of Canterbury, said, there would be no objection to lay a Copy of the Petition on the Table of the House. With respect to the Report referred to by the noble Earl, he wished it to be understood that it was in no way an answer to the Petition. A Committee of Convocation was appointed to consider the subject and draw up a

*The Earl of Harrowby*

Report on it. That Report had been drawn up and presented, but had not yet been adopted. Strictly speaking, therefore, the matter was still under consideration; and the document asked for being thus incomplete, he thought it was, at least, premature to ask for its production.

LORD HOUGHTON hoped the noble Earl (the Earl of Harrowby) would not press his Motion. It would be a great error for their Lordships to interfere with Convocation—if they did they might in time find themselves drawn into the arena of theological controversy—a thing which was to be avoided as much as possible. He thought it was a pity that the noble Earl had brought forward the Motion in the absence of the Archbishops, who might have given some explanation which might have proved useful. Moreover, they had heard, too, from the right rev. Prelate, that the action of Convocation in the matter was as yet inchoate and incomplete, and had not yet assumed a character which would warrant their Lordships in adopting the course recommended. There was another objection to the Motion of the noble Earl. Matters of a transitory character like the one involved in the Petition, in connection with which there was necessarily a good deal of excitement, ought not to have their importance too much magnified. That, he was afraid, had been too much done in the case under discussion. He was told that a very considerable number of those who had subscribed to it had done so hastily, without comprehending its real import, and possibly under some confusion of ideas as to the real principle involved. For these reasons he thought the Petition in question ought not to be made the subject of an Address to the Crown. By adopting the course advised by the noble Earl, they would simply be giving permanent importance to a document which in itself was transitory and of small moment in its character. Above all, they would arouse a large amount of public animosity against many gentlemen who had, as he had explained, signed the Petition unwittingly.

THE BISHOP OF GLOUCESTER AND BRISTOL ventured to think that some inconvenience would result from giving publicity to the names of those who had signed the Memorial. Many of those

gentlemen had appended their names without serious thought; and it had transpired that several had withdrawn their signatures, and not a few had even expressed regret for having signed the Petition under the impression that it was something else. Under these circumstances he hoped, at all events, that the noble Earl would withdraw that portion of his Motion which asked for the production of the names of the subscribers.

**EARL NELSON** said, their Lordships could scarcely ask Convocation to lay before them a document which was imperfect and incomplete in its character. When both Houses of Convocation had definitely given their decision upon it, the Motion of the noble Earl might be moved with perfect propriety; but at present it was premature. He thought it most undesirable to publish the names of the signers—it might hurt the prospects of many young men who had signed the Petition somewhat hastily.

**THE MARQUESS OF SALISBURY** also strongly urged his noble Friend to leave out that portion of his Motion relating to the names of the subscribers.

**THE LORD CHANCELLOR'S** opinion was that it would be as irregular to ask for the production of the Petition while it was still under the consideration of Convocation as it would be for the House of Commons to ask for a Report of one of its Select Committees before it was laid on the Table; he did not at all see how they could ask for the Report of the Committee until Convocation had adopted it. He strongly objected to the production of the names of those who had signed the Petition—especially as it appeared that a large proportion of them were not aware of the precise nature of the document they were signing. He could not but take notice of the evidence which this and other late instances afforded of the mischievous effects of the practice of hawking Petitions about the country in order to obtain promiscuous signatures. Nothing was to his mind more objectionable or reprehensible, whoever were the parties who did it, or whatsoever might be their objects. One result of the practice was, that they found people coming forward one after another confessing that when they appended their names to a document, purporting to be a serious expression of opinion upon subjects of

the gravest importance, they really did not know what they were signing. He was afraid that this was too often the case in respect to Petitions presented to both Houses of Parliament.

**THE BISHOP OF CHICHESTER** hoped the noble Earl would withdraw his Motion, because the carrying of it might embitter the controversy.

**LORD HATHERLEY** wished to ask the noble Earl whether it was worth his while to press his Motion? The Petition itself was of very grave importance, but not of such importance as to require an Address to the Crown that a Copy of it might be presented to their Lordships. Their Lordships had been told that a number of those who signed the Petition had signed it in ignorance of its contents, and that others had signed it under a total misapprehension of the subject. He remembered the case of a Petition which was presented on behalf of a woman who had attempted to murder both her father and mother. The Petition stated that if her life were spared she might be useful as a teacher in a school in one of the Colonies. He must join his humble request to that of the noble Lord below him, that the noble Earl, for the present at least, would not press his Motion.

**THE EARL OF HARROWBY** said, it did not require the intercession of so many Members of the Ecclesiastical Bench and of their Lordships generally to induce him to yield at once to the appeal made to him. It would certainly be better that the answer of the Committee of Convocation should not be placed before Parliament before it had been formally accepted by the whole body. As to the condemnation passed by the noble and learned Lord on the Woolsack on the practice of hawking about Petitions for promiscuous signature, he quite agreed with the noble and learned Lord. As for this particular case he should not have attached such importance to the isolated action of a few eccentric clergymen, if it had been such; but the fact was that the Petition in question was the work of an organized body, which had divided all England into districts for the purpose of extending the practice of auricular confession. Their zeal and their organization were unbounded. He had seen a circular specially addressed to children, marked "the eighth thousand," urging them

to go to a priest at the earliest moment for the purpose of confessing their sins to him. It was most important that some corrective of this abuse should be set up, and he trusted the Bishops would promulgate their opinion at the earliest moment possible.

Motion (by leave of the House) withdrawn.

SUPREME COURT OF JUDICATURE  
BILL [H.L.] .

Returned from the Commons with the amendments to which the Lords have disagreed *not insisted on*; and with the amendments made by the Lords to the amendments made by the Commons *agreed to*, with an amendment; and with consequential amendments to an amendment made by the Commons: The said amendment and consequential amendments to be considered on Thursday next.

House adjourned at a quarter past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 29th July, 1873.

MINUTES.] — SUPPLY — *Resolutions* [July 28] reported.

PUBLIC BILLS—Ordered—First Reading—Landlord and Tenant (Ireland) Act (1870) Amendment\* [271].

Committee—Four Courts Marshalsea (Dublin)\* [266]—R.P.

Committee—Report—Telegraphs [262]; Railway Regulation [232]; Expiring Laws Continuance [261]; Gas and Water Works Facilities Act (1870) Amendment\* [252]; Constabulary Force (Ireland) (*re-comm.*)\* [257]; Royal Naval Artillery Volunteer Force\* [264]; Sanitary Act (1866) Amendment (Ireland)\* [266].

Considered as amended—Slave Trade Consolidation\* [249]; Local Government Provisional Orders (No. 6)\* [244]; Statute Law Revision\* [240].

Considered as amended—Third Reading—Public Health Act (1872) Amendment\* [238], and passed.

Withdrawn—Tribunals of Commerce\* [57]; Clerical Justices Disqualification and Justices of Peace Qualification\* [197].

The House met at Two of the clock.

WEST RIDING MAGISTRACY.  
QUESTIONS.

MR. CARTER asked the Secretary of State for the Home Department, If he

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is aware that in a district of the West Riding, consisting of the important and populous townships of Pudsey, Idle, Calverley, and Faraley, with a population of 29,214, an area of 8,447 acres, and a rateable value of £81,153, there is only one magistrate, a clergyman, who usually resides, not in the district, but in the township of Leeds?

MR. BRUCE, in reply, said, the facts stated in the Question of the hon. Member were substantially correct; but he was informed that there were sittings twice a-week at Bradford, distant about four miles, with good railway communication. There had been no local expression of a desire for more magistrates and no complaint of inconvenience from the existing state of things. If there were any such desire, it should be conveyed to the Lord Lieutenant or the Lord Chancellor; but, considering the population of the neighbourhood, perhaps they could not do better than combine to appoint a stipendiary magistrate.

MR. CARTER asked if the right hon. Gentleman was aware that no railway passed through any one of the parishes named?

MR. BRUCE said, he was not; he knew only what he had been told in the letter sent him by the clerk of the peace.

RAILWAYS—RAILWAY PASSENGERS' COMMUNICATION.—QUESTIONS.

COLONEL NORTH asked the President of the Board of Trade, Upon what grounds the Board of Trade have further extended for one month the period of use of the rope system upon the Railways of the United Kingdom; and, if this extension is not intended to be final, what course the Board or the Government will pursue to ensure a compliance with the Act of 1868 as to a proper means of communication between passengers and guards, which it was the intention of Parliament should be provided for the safety of travellers?

MR. CHICHESTER FORTESCUE, in reply, said, he had extended for a month the period of use of the present rope system, in order to give time for the expression of opinion by railway companies upon a very different rope system in use in the United States, in which the rope is conveyed through the

carriages inside under the roof. On the 1st of August he should withdraw absolutely the sanction of the Board of Trade to the ordinary rope system, and would leave, as he was bound to do, the companies to propose other means of communication, instead of it. For the present he should be ready to sanction the American rope system.

MR. J. G. TALBOT asked the right hon Gentleman, Whether his attention has been again drawn to the failure of the cord system of communication between passengers and guards on Railways; whether he has, in accordance with his statement on the 13th June, 1872, withdrawn the provisional approval given by the Board of Trade to that system; and, whether there is any hope that the electric communication will soon be established on all Railways?

MR. CHICHESTER FORTESCUE, in reply, said, the electric system of communication had succeeded upon some of the lines on which it had been tried, and it was equally true that it was attended with difficulty in its application on lines where the trains were frequently separated. He could not say how far the withdrawal of the old rope system would bring about a larger adoption of the electric system.

#### ARMY—RETIRED ADJUTANTS OF MILITIA AND VOLUNTEERS.

##### QUESTION.

LORD ELCHO asked the Secretary of State for War, Whether he will insert the words "late Adjutant" in the "Army List" after the names of the officers who, having been Adjutants of Militia or Volunteers, have had conferred upon them the rank of Major on retirement, or whether he will place these Officers in a separate list; and, whether he will allow these names to appear in the Index of the "Army List" as is done in the case of all other Field Officers who have served, throughout their service, under the provisions of the Mutiny Act?

MR. CARDWELL, in reply, said, that if there was any general wish on the part of the officers in the direction indicated in the Question, he was not aware of any reason why that wish ought not to be gratified.

#### SOUTH KENSINGTON MUSEUM— NATURAL HISTORY MUSEUM. QUESTIONS.

MAJOR BEAUMONT asked the First Commissioner of Works, Whether the public have ever had an opportunity of judging of the plans now being carried out in the construction of the Natural History Museum; and, if not, whether he would permit plans or models to be exhibited in any place to which the public have access?

MR. AYRTON, in reply, said, that the plans were annexed to the contract signed by the contractor, and could not, therefore, be submitted for public inspection. The contract and plans were required at the Office of Works, and it was quite impossible to make an exhibition of them.

MAJOR BEAUMONT said, there could be no difficulty about exhibiting copies of plans.

MR. AYRTON said, that would require copies to be made. The making of copies would take a considerable time, and would involve expense. [*Cries of "Photographs."*] A plan would not be an expensive matter; but it would take a considerable time to make copies of the whole.

MAJOR BEAUMONT said, he did not ask for all the details. The plans would be quite sufficient to enable the public to judge of the general character and effect of the building proposed to be erected. He should be glad to know if the plans might to this extent be shown to the public?

MR. AYRTON said, that a mere plan, as distinct from elevations, could be easily prepared in a short time. The drawings and elevations, to be of any use, must be complete, and the preparation of complete copies would take a considerable time. As the contract was signed for the execution of the works, and could not be altered, he did not see that it would be of any particular use to the public to see them.

MAJOR BEAUMONT said, it was with the view of enabling the public to form a judgment upon the elevation that he was anxious they should see it. There was no difficulty in obtaining photographs, which, for this purpose, were equally as good as the originals. He wished to know whether photographs

could be submitted for the inspection of the public.

LORD ELCHO asked, whether the elevations and designs were generally the same that were exhibited for a short time in the Library of the House of Commons at the close of the Session before last; and whether, if they were the same, they had been altered in consequence of the rise in prices, or for any other reason; and, if so, what was the extent of alteration in the general appearance of the building?

MR. AYRTON said, that some change was made in the plans after they were exhibited in this House. If the noble Lord wished to know the details, he should be happy to state them if the noble Lord would give Notice of a Question.

MAJOR BEAUMONT said, he was sorry to have to press his point; but he should like to have an answer as to whether copies of the general plans and elevations would be submitted for public inspection? If it was inconvenient to the right hon. Gentleman to answer now, he would give Notice of a Question for to-morrow.

MR. AYRTON: The hon. and gallant Member had better give Notice.

MAJOR BEAUMONT: Then I give Notice at the present time.

#### DIPLOMATIC AND CONSULAR SERVICE —FOREIGN REPRESENTATIVES IN MOROCCO.—QUESTION.

MR. GRAHAM asked the Under Secretary of State for Foreign Affairs, Whether his attention has been drawn to a statement made by Mr. Consul White, in his Report on the Trade of Morocco, that

"In Morocco the foreign representatives reside at a considerable distance from either of the capitals of the empire, and but seldom or never see the Sultan or any save one of his Ministers; and that, so long as the absence of personal intercourse between the representatives of Foreign Powers and the Sultan and his Court continues to exist, it is hopeless to expect useful reforms in the government, or any considerable extension of the trade or civilization of the country;"

whether Sir John Hay, our representative in Morocco, shares in and has repeatedly urged the same opinion upon Government; and, whether the Government can hold out any hope of their taking the matter into consideration, with a view of removing our Embassy

*Major Beaumont*

to the capital, and securing personal communication between our representative and the Sultan?

VISCOUNT ENFIELD: Sir, Her Majesty's Government are not prepared to change the residence of the British Mission in Morocco, which, if recommended by Sir John Drummond Hay, would not, it is believed, be agreeable to the Moorish Court, and would entail increased expenditure. There are, besides, countervailing advantages in the residence of the British Minister being at a seaport. Her Majesty's Minister is enabled, under existing arrangements, to obtain private interviews with the Sultan, and reported lately that the results were satisfactory.

#### FRANCE—THE NEW COMMERCIAL TREATY.—QUESTION.

MR. NEWDEGATE asked the Under Secretary of State for Foreign Affairs, Whether the Treaty between France and this Country, which is reported to have been under consideration by the Parliament of France, is intended to continue, or to establish for some years, obligations binding upon this Country with respect to certain portions of the Revenue analogous to the engagements under the Treaty of 1860; and, if so, whether it is the intention of Her Majesty's Ministers to consult this House with respect to such engagement?

VISCOUNT ENFIELD: Sir, it will be seen by the Treaty of which a Copy was laid on the Table of the House yesterday, that it is not intended to continue, as binding on this country, the provisions with regard to tariffs in the Treaty of 1860 beyond 1877, when the Treaties between Great Britain, Austria, and Germany are terminable. The new Treaty provides that it shall be terminable on the 10th of June, 1877, when that with Germany is also terminable. Perhaps the hon. Gentleman will address the latter portion of his Question to my right hon. Friend at the head of the Government.

MR. NEWDEGATE asked the Prime Minister, whether it was the intention of Her Majesty's Government to consult the House upon the provisions of the Treaty?

MR. GLADSTONE said, the state of the case was this—the Government had no such intention, because we were not

really contracting any new binding engagement which bore on the tariffs or on the commercial law of this country with regard to exports and imports. When the French Treaty was made in 1860, the House of Commons was consulted upon it in full, and if the Government had been extending its terms it might have been matter for serious consideration whether they should not again consult the House of Commons upon it. In consequence of the French Treaty of 1860 other Treaties were made with Austria and Germany, which gave to them the full benefit of the French Treaty down to 1877, the Treaty with Germany expiring on the 10th of June, 1877. What the Government had done was to prolong the French Treaty until the latter date, and as the French Treaty gave to France the benefit of the Most Favoured Nation Clause, the prolongation of the French Treaty constituted no new engagement.

MR. NEWDEGATE asked, Whether, if it should be found that the terms of the present Treaty varied from those of the Treaty of 1860—that variation extending to the Most Favoured Nation Clause—the Ministry would reserve to the House of Commons the opportunity of considering any variation from the Treaty of 1860?

MR. GLADSTONE, in reply, said, the hon. Member would have a more satisfactory means of judging of the matter when he read the Treaty than he could afford by any verbal information. But he might say there was no such variation as the hon. Member appeared to suppose. There was no alteration whatever in the tariff terms of the Treaty. Its ratification would depend on the assent of the French Assembly, which he trusted would be given.

#### NATIONAL EDUCATION (IRELAND)—TEACHERS IN IRISH WORKHOUSE SCHOOLS.—QUESTION.

MR. PIM asked the Chief Secretary for Ireland, Why the National School Teachers in the Workhouse Schools in Ireland are not paid for results in addition to their salaries, as is done in the case of the Teachers in other National Schools in Ireland, and the Teachers in the Workhouses in England?

THE MARQUESS OF HARTINGTON, in reply, said, teachers in workhouse

schools in England and Wales were not paid in the same way as the National School teachers in the workhouse schools in Ireland. In Ireland the Workhouse teachers were paid directly by the Local Government Board, and without any reference to the results of the teaching or the efficiency of the schools under their management. He had no doubt it would be an improvement to introduce the English system in some form or other; but he must guard himself against admitting that any payment made for results should be a payment in addition to the salaries of the teachers.

#### THE BRITISH MUSEUM—DUPLICATE BOOKS.—QUESTION.

MR. BAINES asked the Right hon. Member for the University of Cambridge, Whether it is possible for the Trustees of the British Museum to furnish for the information of the House and the public, a Return of the number of Duplicate Books in the Library of the Museum; and, whether there would be any objection to such Duplicates being distributed among the Free Libraries of the Country?

MR. SPENCER WALPOLE, in reply, said, there was in the Question an ambiguity as to the meaning of the word "duplicate." The Trustees of the British Museum had always rightly considered that there were three particulars in which what might be termed duplicates in a private gentleman's library would not be superfluous in the Library of the British Museum. In a great National Library it was a matter of primary importance for literary people to have the means of referring to variations in the different works, and the variations in different editions. Again, there were in the British Museum three collections at least which had been given to the nation as integral collections—namely, the King's, the Grenville, and the Bankseian Libraries; and there might be in those collections duplicates which must be preserved distinct from the general library books in the Museum. Moreover, it was for the general advantage of readers that there should be duplicate copies of some books which were in great demand, as it often happened that more than one student required to consult them at the same time.

Roughly estimated, the duplicates in the Museum amounted to between 10,000 and 12,000 books, subject to deductions on account of each of the categories to which he had referred. To compare all the books in the British Museum for the purpose of ascertaining whether they were duplicates or not would be a labour of months, if not of years. Under these circumstances, it would not be possible for the Trustees to furnish a Return of the superfluous duplicate books in the British Museum with a view to their distribution among the Free Libraries of the country.

**POST OFFICE—CAPE OF GOOD HOPE  
AND ZANZIBAR MAIL CONTRACT.  
QUESTION.**

MR. SCLATER-BOOTH asked Mr. Chancellor of the Exchequer, What course he proposes to take with respect to the Contract for Mail Services between Zanzibar and the Cape, in consequence of the Report of the Select Committee on that subject?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is the intention of the Government to give the fullest effect in their power to the Report of the Committee. They are not, of course, unaware of the great difficulty of the task, from the manner in which the question has been left; and when they state that they will endeavour, to the utmost of their power, to give effect to the Committee's Report, they trust that they will receive the assistance of the House.

**ELEMENTARY EDUCATION DEPARTMENT—NEW CODE 1873—THE MUSIC FINE.—QUESTION.**

MR. BROGDEN asked the Vice President of the Committee of Council for Education, If he will suspend the operation of sub-section d of Article 32 of the New Code 1873, commonly known as the Music Fine, until there has been an opportunity for further discussion next Session?

MR. W. E. FORSTER, in reply, said, that neither he nor the Committee of Council on Education had any power to suspend the operation of any Article of the Code after it had once received the approval of Parliament. He might add that the Department saw no reason to disapprove of the regulation as to music.

*Mr. Spencer Walpole*

**PARLIAMENT—BUSINESS OF THE HOUSE—THE POST OFFICE BALANCES.**

MR. GLADSTONE moved—

“That the House will proceed, this day, with the Motion relating to Post Office Balances, of which Notice has been given, after the Order of the Day for a Committee to consider of Her Majesty's Message.”

Motion agreed to.

**H.R.H. THE DUKE OF EDINBURGH—THE QUEEN'S MESSAGE.**

Message from Her Majesty [28th July] considered in Committee.

(In the Committee.)

Queen's Message read.

MR. GLADSTONE said: Sir, the practice in the House of Commons on occasions of this nature varies somewhat from the practice which is adopted in the House of Lords; and it is right that I should make an explanation to the Committee on the subject. The usual practice of the House on occasions of this nature is to vote an Annuity without presenting an Address. In the House of Lords, where there is no Annuity to be voted, and the House waits for the communication of a Bill from the House of Commons, the course taken is to present an Address. In the instance of His Royal Highness the Prince of Wales, an Address was also presented by this House; but I believe I am pursuing the regular and established practice, from which in such a matter we certainly should not wish to vary, in proceeding to propose an Annuity in the case of a Prince who is not the Heir Apparent to the Throne. But, Sir, although the House will not be called upon by the Government to present a formal Address, assuring Her Majesty of the sentiments with which it has learnt the purport of the communication which Her Majesty has been pleased to make, I am quite sure I do not misconstrue or overstate the general sentiment when I venture to express my conviction that it is a communication which has been received, not only with those emotions of loyalty which, upon all occasions, govern us in our relations with the Crown, but likewise with a solid and a lively satisfaction, so far as the contents of the communication itself are concerned. This is an occasion on which a Marriage has been arranged, which, in the first place, presents to us that feature of all others,

in my judgment, the most indispensable and the most satisfactory for a Royal Marriage—namely, that it is a Marriage which has been contracted, and which is to be solemnized on grounds of human, and personal affection. So far as this country is concerned, I trust we have passed by the day when it was found necessary to enter into engagements of this kind without that great, indispensable, and I may well call it, consecrating, element of personal attachment. It is upon that most solid basis that the present union has been founded, and it constitutes the first and strongest reason for our wishing that it may be crowned with every blessing during the lives of the Illustrious Persons concerned. I may also say that, although in the vicissitudes of history the time came when we were compelled from special circumstances to regard the Russian Empire as a hostile State, yet God forbid that we should contemplate the recurrence of such a period—or, what is still worse, that we should accustom ourselves, or allow ourselves, to cherish sentiments of hostility or suspicion against a Power with which we are in alliance. I rejoice—and I believe the House and the country will rejoice—at the formation of this new tie of amity between two great Empires; and, permit me to say, that if we were to exercise a choice as to the period of time at which we could desire that a relation of this kind should be formed between the Imperial Family of Russia and the Royal House of the United Kingdom, we may well be pleased that it has happened in the reign of an Emperor like His Imperial Majesty, who has already signalized his sway—not by schemes of reckless aggrandizement, nor by mere pomp and display in the face of a too easily admiring world, but by that one great act of legislative wisdom and humanity which stands almost without a parallel in history, and which is of itself enough to make a reign not only honourable, but illustrious—I mean the emancipation of the serfs of Russia. Lastly, I rejoice that it falls to me to make this proposal at a time when, even within the last few months, the Imperial Government, under the direction of its Illustrious Head, has given to us more than one practical assurance of its desire to pursue a friendly policy towards this country. Now, I come to the proposal which I am going

to submit, and which I trust—indeed, I entertain not the smallest distrust; I feel confident—will meet with the approval of the Committee. It will be recollect by the House that this is the closing portion of a transaction which awaits its full consummation. In the year 1866 it was my duty, on behalf of the Crown, to ask the House of Commons to grant to His Royal Highness the Duke of Edinburgh, then Prince Alfred, an annuity of £15,000 a-year upon his coming of age. That was done by an Act of the same year, cap. 8, and there were two special observations with which my statement on that occasion was accompanied. One was, that if His Royal Highness should at a future time contract a marriage with the consent and to the satisfaction of Her Majesty, it would probably be the duty of the Executive Government of the day, whatever it might be—at any rate, I prepared the House to expect they would find it their duty—to make to the House a proposal, with a view to some increase of the income which was then so freely granted to His Royal Highness. The second special observation with which I accompanied the brief statement I then made was a reference to the fact that His Royal Highness is heir to a Principality abroad—namely, the Duchy of Saxe Coburg-Gotha; and accordingly in the Act of 1866 a Proviso was inserted, that—

“In the event of his said Royal Highness succeeding to any sovereignty or principality abroad, it shall be lawful for Her Majesty or her successors, with the consent of Parliament, to revoke or reduce the said annuity, by warrant under the Sign Manual.”

Of course, it need not be said, with regard to the power of Her Majesty and of Parliament, that such power, considered in the abstract, requires no reservation; but it is customary in many classes of Bills to insert a notice of this kind, which disposes of any question of good faith which might be involved in the matter, and makes the reservation of the discretion as well as of the power of Parliament perfectly effectual for its purpose in case the occasion should arise for the exercise of that discretion. The proposal which I shall now make is—

“That the annual sum of Ten Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, towards providing for the Establishment of His Royal Highness the Duke of Edinburgh

and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia, the said annuity to be settled on His Royal Highness for his life, in such manner as Her Majesty shall think proper, and to commence from the day of the Marriage of their Royal Highnesses, such annuity to be in addition to the annuity now enjoyed by His Royal Highness under the Act of the twenty-ninth year of her present Majesty."

The Proviso which I have read would not be represented in the Resolution which I invite the Committee at present to accept; but it will be inserted in the Bill, which in due course will be founded upon the Resolution, the practice being, as those who are conversant with our method of conducting business know, that in Parliamentary Resolutions it is usual to state the general proposition, and that any limitations are for the most part introduced into the Bill when it is laid before the House. That is the first and the principal branch of the proposition which I have to make in the name of the Government. The second branch relates to that contingency which we all trust either may never arrive, or may be a very distant one. That contingency is the widowhood of the Illustrious Princess; and my second Resolution will be—

"That Her Majesty be enabled to secure to Her Imperial Highness the Grand Duchess Marie Alexandrovna, in case she shall survive His Royal Highness the Duke of Edinburgh, an annual sum not exceeding Six Thousand Pounds during her life, to support her Royal dignity."

This is, I think, the first occasion upon which it has been my duty, or the duty of any Minister during the present reign, to make a full and final proposal to Parliament having reference to one of the Members of the Royal Family not being the Heir Apparent. And although I am fully persuaded that the House will not think that the proposal I have made is one requiring very special or elaborate justification, I may say one or two words upon its amount. A good many years have now elapsed since the Government of Lord Palmerston took into its consideration the general subject of a provision for the children of our Sovereign and the Prince Consort, and Lord Palmerston endeavoured to arrive at something like a consistent and general, though it could not be absolutely a binding view—except for that Government—as to the manner in which it would be proper to proceed in making these provisions. One question, indeed, which has been raised by

some persons is, whether these provisions should be made by Parliament at all. Upon that question I do not propose to enter. We discussed it at some length when it was my duty to ask for a grant from the Legislature upon the occasion of the marriage of Her Royal Highness the Princess Louise. The arguments in favour of such a provision appeared to me overwhelming and conclusive to such a degree as to put the matter out of possible doubt as room for fair controversy. They were seconded by the right hon. Gentleman the Leader of the Opposition, were supported by other Members of the House, and were felt to be of such a nature that it is totally needless; and, if needless, it would be officious and impertinent on our part to revive any such discussion upon the new proposal we are now making. With regard, however, to the amount of the provision, what I wish to say is this—It is quite possible that those who refer to some former precedent may find occasion for criticism and objection, either from one point of view or another. Cases may be discovered in which larger grants have been asked from Parliament, and possibly have been obtained. Other cases will be found by those who have diligence enough to search for them in our Parliamentary records, in which, perhaps, grants not quite so large have been given. At this time of day—when I think Parliament has shown a great consistency of view, as well as great moderation of view, upon this subject—it is not necessary for us to go back to times when the arrangements between the Crown and Parliament with reference to the support of its dignity and the support of the junior branches of the Royal Family were much less well understood and regulated than they now are. We have passed, happily, from a state of things in which the Civil List, settled at the beginning of a reign, represented no final arrangements at all, but was liable to be disturbed from time to time by new applications to Parliament. We have passed out of that irregular state of relations into one in which with some—I may say with great—success something like rule and method have been introduced. And what we have endeavoured to has been—both in former years and upon the present occasion—to look back to the general effect of our records, and of the cases which

they bring before us, and to the general equity and reason of the case, in fixing the proposal which it will be our duty upon our responsibility to submit to Parliament. I think that those who are disposed to examine the matter upon such a basis as I have endeavoured to describe will think that the provision which we now ask Parliament to sanction—a sum of £25,000 a-year—is a provision which, while it does not err on the side of parsimony, certainly does not err on the side of excess. If that be so—and I believe that will be the general feeling of the House and of the country—I venture humbly to remind the House that the readiness and cheerfulness of a gift like this adds to its value. I would even make an appeal to that very small proportion of the Members of the House of Commons who—I have no doubt actuated by the most patriotic motives—have on a former occasion raised objections not merely of amount, but directed to the very foundation of the proposal. On the occasion of the marriage to which I have referred—the marriage of Her Royal Highness the Princess Louise—we thoroughly sifted and discussed the principle involved in these grants, and the question of principle was decided not by a mere majority of this House, but by what I may almost presume to call a moral unanimity—a majority approaching so nearly to unanimity that there would be no discredit and no deviation from public spirit—on the contrary, there can be nothing but consideration, courtesy, and taste—in recognizing the decision of the House upon that occasion, and in forbearing to revive the discussion. I think the general feeling will be that this proposal is one which, on the ground of its reasonableness and moderation, may safely be commended to the approval of the House; and if it is one which may be safely commended to the approval of the House, the gracefulness of the act will be much increased, and our own feelings of loyalty and attachment to the Sovereign and her Family will be spared what, even at the best, amounts to something like a painful jar; should it prove upon the present occasion that we can, without difference of opinion, go forward with this offering in our hands, and lay it at the foot of the Throne, adding to it our fervent prayer to the Disposer of all Events that the marriage which is about to be con-

tracted, as it has been founded on right principles of mutual attachment, may be crowned with all the happiness of which such a union ought to be both the pledge and the fulfilment. The right hon. Gentleman concluded by moving Resolutions.

The Resolutions having been formally proposed,

MR. HUNT: I rise, Sir, to second the proposition made by the right hon. Gentleman opposite, and I feel sure that he did not assume too much when he said that the marriage announced in Her Majesty's gracious Message has afforded great gratification to the House and to the country generally. These are not days when dynastic alliances much affect the fate of nations; but, at the same time, we cannot but rejoice that the friendly feeling which exists between the two countries will be cemented afresh by this alliance. With respect to the amount proposed by the right hon. Gentleman, I think that the terms in which he has alluded to it are amply justified. Had the right hon. Gentleman proposed even a larger amount than he has thought proper to do, I feel certain that this House would cheerfully have granted it. At the same time, in those matters we look to the direction and guidance of the Government, and I feel satisfied that in proposing the amount the right hon. Gentleman has done on the part of the Government, he has had due regard to all the circumstances of the case. I can only echo the sentiments which the right hon. Gentleman has expressed, and hope that this alliance between these two Illustrious Houses may be followed not only by the happiness of the principal parties concerned—His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie—but that it will give satisfaction to Her Majesty and to the other Members of the Royal Family.

MR. P. A. TAYLOR said: Sir, although a very humble Member of this House, I have thought it my duty to rise to protest against the proposition made by Her Majesty's Government, as being unwarranted by precedent, and wholly uncalled for, by the circumstances of the case. ["Oh, oh!"] I can only say—and I say it with a sincerity that I think ought to find credit even in the minds

of those who disagree with me—that it is a painful thing to me that I cannot respond to the appeal of the Prime Minister. [“Oh, oh!”] I am by no means so fond of standing alone or of occupying an unpopular position, and nothing but a deep sense of duty compels me to take the decision of the House upon this question. I have been informed by the highest authority that it is most in accordance with precedent and the custom of the House that any opposition to a Vote of this nature should take place not at the present stage, but on the second reading of the Bill that will be brought in. I am quite aware that those who agree with me are few in number, and may be a small minority, and it is neither my inclination, nor would it be morally right in me to attempt any factious opposition to the measure. I therefore content myself with giving Notice that on the second reading of the Bill I shall raise a discussion, and take the sense of the House upon it.

**MR. HOLT:** On a former occasion some statement was made to the House by the Government with reference to the religious convictions of the Illustrious parties. [“Oh !”] I know that it will be in accordance with the feelings of a large number of persons that some communication should be made to the House on that subject; and I hope the right hon. Gentleman will be prepared to do so. [“Oh ! oh !”]

**MR. GLADSTONE:** It may be well, because other persons may fall into the same misunderstanding as the hon. Member has fallen into, that I should say that the Constitution of this country does not, as a general rule, investigate those matters connected with personal religious convictions, either within the precincts of the Royal Family or out of it. It is quite true that under the Act of Succession security is taken against the possession of the British Throne by a person professing a particular religion. That security is taken, not on the ground of what is properly religious in that religion, but on account of political dangers which were conceived—and I hope I will offend no one if I say rightly conceived—to attend the profession of that religion when the Act was passed, in conjunction with the occupation of the British Throne. That was the ground, I apprehend, beyond all doubt, of the Act of Settlement. That being so, it is obvious

that the question of the hon. Gentleman goes beyond that ground; and if I were to undertake to answer it I would be forming a precedent for an investigation which, in my opinion, would be equally odious in itself as it would be wholly unjustifiable. I hope, and believe, that what the House of Commons intends to do is to respect religious convictions wherever it finds them; and, at the same time, I trust that I do not very far deviate from the principles which I have laid down in this instance, when I express my confident belief and expectation, from the nature of the arrangements that are in course of being made upon this occasion, that the marriage about to be contracted will be productive of no difficulties whatever, and will in every respect be found to give satisfaction to the country.

**MR. NEWDEGATE:** The right hon. Gentleman seems to concur with those Members of the House who think that the Question of the hon. Member for North-east Lancashire (Mr. Holt) is anomalous and unusual. I beg to remind the House that on the occasion of our being asked to make provision for Her Majesty upon her marriage, and also upon the occasion of the marriage of the Prince of Wales, questions analogous to that of my hon. Friend were put. I hold in my hand the reply of Lord Palmerston, to whom on one of these occasions I put the Question, after consultation with that noble Lord. Although on this occasion we are providing for the happiness of a Member of the Royal Family who is not the Heir Apparent, still I think that the question of my hon. Friend, seeing that the children of this marriage might possibly become Heirs Apparent to the Throne, is quite justifiable and ought to be answered.

**MR. BEACH** asked what day the second reading of the Bill to carry the Resolutions into effect would be taken?

**MR. GLADSTONE** replied that at the present period of the Session, in accordance with precedent, they proposed to proceed with the Bill *de die in diem*. The Second Reading would be made the first Order for to-morrow.

Motion agreed to.

(1.) *Resolved*, That the annual sum of Ten Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, towards providing for the Establishment of His Royal Highness the Duke of

*Mr. P. A. Taylor*

Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia, the said Annuity to be settled on His Royal Highness for his life, in such manner as Her Majesty shall think proper, and to commence from the day of the Marriage of their Royal Highnesses, such Annuity to be in addition to the Annuity now enjoyed by His Royal Highness under the Act of the twenty-ninth year of Her present Majesty.

(2.) *Resolved*, That Her Majesty be enabled to secure to Her Imperial Highness the Grand Duchess Marie Alexandrovna, in case she shall survive His Royal Highness the Duke of Edinburgh, an annual sum not exceeding Six Thousand Pounds during her life, to support her Royal Dignity.

**Resolutions to be reported To-morrow.**

**POST OFFICE (BALANCES)—TELEGRAPHIC DEPARTMENT — MISAPPROPRIATION OF FUNDS.—RESOLUTION.**

**MR. ASSHETON CROSS**, in rising to move—

"That this House, having considered the Reports of the Select Committee of Public Accounts, records its disapproval of the conduct of the Post Office in respect of the misappropriation of balances therein mentioned; and is of opinion that the control of the Treasury over the Post Office as a Revenue Department having proved inadequate for the earlier detection and rectification of such irregularities requires to be more watchfully exercised,"

said, that no one knew more than he did the great advantages the public derived from the services of the Post Office. He was sure he only spoke the feelings of the House when he said in the words of the Committee of Public Accounts, that the organization of the Department was admirable and its administration skilful. It afforded the maximum of advantage to the public, and returned to the Chancellor of the Exchequer the maximum amount of money compatible with the duties it had to perform. Having said so much, he only regretted that he should have to complain of irregularities committed by any person connected with the Post Office. In laying the history of the case before the House he preferred to quote the language of those better qualified than himself to express an opinion on it. He might cite the language of the Committee on Public Accounts, he might cite the language of the special Commissioners appointed by the Treasury to inquire into the matter, or that of the Committee on Public Accounts; but he would rather quote words, which could not be gainsaid,

used by the Government itself in their description of the offence. A Bill brought in by the Chancellor of the Exchequer and the Financial Secretary of the Treasury—persons who were not likely to state the case higher against themselves than needs be—and which was read a second time last night, so that the Preamble might be deemed to have received the assent of the House, contained these words, the like of which certainly could not be found in the records of Parliament—

"Whereas by the Telegraph Act, 1869, and the Telegraph Money Act, 1871, the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, were authorized to raise for the purposes of the said Acts any sum or sums of money not exceeding in the whole eight million pounds. . . . and whereas an estimated sum of about £812,800, part of the Post Office revenue which ought to have been paid into the Consolidated Fund, has been improperly expended for the purposes of the said Telegraph Acts, and it is necessary that funds should be provided to make good to the said Fund the sum so improperly diverted from it."

Well, this Preamble was his case. Was there ever a stronger case put before the House? If possible, two observations which he had to make would leave it still stronger. First, it was not a single act of the Treasury or any Government official; it was not a matter which came upon them by surprise; it was not a matter done in one month and settled in the next. It was not an act which the Treasury could not have discovered at the proper time, nor was it a mere inadvertence; but it was a deliberate and wilful misapplication, going on for a long time, of moneys which should have gone from one fund to another. The Chancellor of the Exchequer, in his examination before the Committee, said—

"The distinction that I should take would not be so much as to the quantity of the loan that remained to be paid the money still due to them, as to their going on knowingly and wilfully to do it. I can conceive that it may have been possible for them to have got to this £200,000 without being aware that they had exceeded; and considering the largeness of the transactions, and the great allowance that ought to be made for an office like the Post Office, struggling with a new subject like this, I would be disposed myself to look leniently on anything of the kind, even to a large amount; but—"

when the the right hon. Gentleman said "but" there was sure to be something coming—and he went on to say—

"where there is no reasonable excuse to be offered is, I think, that after being aware that they had exceeded the sum by £200,000, as

stated in the letters and memoranda, they should then go on to take £700,000 (£812,800); I am really not aware what excuse can be offered for that."

The sum had now grown to £812,800. Secondly, it would have been bad enough had it been a case of applying money urgently needed for the service of the year in excess of the annual Vote; but it was the deliberate pursuance of a policy of improperly spending the money in hand on capital account, practically putting Parliament aside, instead of waiting for its sanction for further capital. The Chancellor of the Exchequer, whose examination might be regarded as a kind of *Confessional Unmasked* said upon this point—

"The money exhausted was not a Vote in Supply, but a loan authorized by Act of Parliament, and when that was expended there was only one legal and constitutional course—that is, to go to Parliament for a fresh loan. The inference that because a loan was exhausted payments must be made from the balances in so far from being inevitable that it never entered into the mind of the Chancellor of the Exchequer, nor of any person in the Treasury, that such a course could possibly be contemplated. The reason is plain. A necessity for money does exist in the case of ordinary expenditure for the daily business of a Department, but not for capital expenditure, which can, and therefore ought to, wait till money has been legally provided for it."

There were thus two aggravating circumstances—the Act was a deliberate and continuous policy, and the money was not for the ordinary service of the year. It would naturally be asked how the money was obtained? Now, the Post Office, in addition to its postal business, issued money orders, collected money for the Revenue, and received Savings Bank deposits, thus having large sums of money which ought to be applied as soon as conveniently could be done to certain accounts. Its balance in hand was generally £160,000, a portion of this, however, being balances outstanding in the various post-offices in the kingdom, while the bills sent up by postmasters had sometimes a little time to run. The actual balance was kept in one account at the Bank of England, and as regarded the postal business, the entire receipts had to be made over to the Treasury, all the expenditure being met by the Votes of Parliament. As to the telegraphic receipts, the 19th section of the Telegraph Act directed that the gross revenue should be paid into the

Exchequer to the account of the Consolidated Fund, and that the expenses incurred with the sanction of the Treasury, in working, maintaining, or extending the Telegraphs, should be paid out of the moneys to be voted by Parliament. The Act establishing Savings Banks empowered the Post Office, with the sanction of the Treasury, to regulate the transfer of the deposits to the National Debt Commissioners, in order that they might bear interest, and save the State the loss which would accrue if they remained in the hands of the Postmaster General. Such regulations were accordingly issued, the effect being that the transfers were to be based on summaries of the daily receipts and withdrawals, compiled in the Money Order Office and forwarded by the Controller of the Savings Bank Department to the Receiver and Accountant General. At first a weekly transfer would be sufficient; but if a daily transfer were required, it could readily be made. That was an excellent rule for carrying on the Post Office Savings Bank. The money was to be handed in weekly, and the rule contemplated the time when there should be a daily transfer from the Savings Bank to the National Debt Commissioners. Now, the Act of Parliament which enabled them to make these rules had an express Proviso that these rules should be laid before Parliament. The rules were divided into two parts—public rules and rules with regard to internal arrangements. For some reason they laid before Parliament those rules which related to the public, but not those which related to the internal administration of the Savings Bank; and, unfortunately, he thought, for this case, among the rules not laid before Parliament was the rule requiring transfers to be made in the way he had pointed out. What was the consequence? When he came to deal with the relations between the Treasury and the Post Office, they would see how the fact of the Treasury not laying these rules before Parliament affected this case. They not only broke the rule, but did away with it, and made another rule. Instead of weekly balances, paid over by the Post Office Savings Bank to the National Debt Commissioners, they said "the gross collection should be paid over as frequently as may be desirable." From the breaking down of that rule,

which ought to have been carried out, a great deal of the mischief now complained of had practically arisen. [The CHANCELLOR OF THE EXCHEQUER: What is the date?] The 13th of September, 1861. What had been the result? The transfers to the National Debt Commissioners in 1862 amounted to 55; but when they came to the time of the Telegraph Service the transfers became gradually less; and instead of 55, as in 1862, the transfers were in 1871 16, and in 1872 only 13. Looking to the balances kept in hand, the difference appeared still more striking. In 1862 the first balance kept in hand was £12,000; in 1863 the balance kept in hand was £15,000; but when they came to the formation of the Telegraph Service there was a sudden jump. Instead of £12,000 or £15,000, the average monthly balance kept in hand was in 1870, £119,000; in 1871, £264,000; in 1872, £268,000; and when they came to the disclosures now made, the balances held in hand were something like the enormous sum of £430,000. Of that sum the Post Office was the trustee; and by the mode in which it had been treated considerable loss had been occasioned to the Savings Bank funds. So far as the Treasury Commissioners made out, the result of the transactions of the Post Office in this matter had been a loss to the Savings Bank funds in interest to the extent of £5,000. It had not affected the security of the depositors in the Savings Bank, because they had a guarantee for their money; but the loss to the Savings Bank funds in interest amounted to £5,000 a-year. He had rather understated than overstated the facts; but, he asked, did not these facts appear practically to bear out his Motion? Of course, there remained in the background the question of who was responsible for this state of things? He thought the House was quite clear that this was a bad state of things, and that it ought never to have existed. If proper control had been exercised on persons in the employ of the Post Office and the Treasury such a state of things never could have existed. Something had been said of the responsibility of the Audit Office. He was not going at length into that matter, which had been gone into very fully by the Commissioners of the Treasury; and what they said was that at that time the Audit Office had not the power of going into

the audit of anything spent on the capital account, although their attention might probably have been called to the reduced amount of money paid over to the National Debt Commissioners. But there was a sum of £382,000 which was placed to Revenue in the Spring of 1872 which did immediately attract their notice, and they called the attention of the Public Accounts Commissioners to it. They said it ought to have gone to capital account. It was practically through the Audit Office that the true scent was given and followed up. So far as the National Debt Commissioners were concerned, they had nothing to do with the Telegraph money—although they might have been surprised, supposing the Post Office, a very improving office, that so very little money came into their hands—but they had only to receive the money that was paid to them—whether the amount was the right amount or not was a question for other hands. They had no means of finding out anything in the shape of misappropriation of balances, or tracing it in any way, before the money came into their hands. Who then was responsible? He would first consider very shortly the case of the Post Office itself. By the 14th section of the Act of 1868, which enabled the first loan of £8,000,000 to be raised, the stock so created was directed to be placed in the Bank of England to the account of the National Debt Commissioners; the Postmaster General was to draw the money from the Bank of England, and was responsible for it. In 1870 the Act was passed to extend the Telegraph to the Isle of Man and other places; but in 1871 rather an extraordinary matter occurred, to which he must call attention for a moment. It was found in 1871 that more money would be wanted. When the Government came to balance up in March, instead of having spent £7,000,000, they had overspent that sum by £200,000 or £300,000. The balance was only made up at the Post Office at the end of 10 or 11 weeks. The result was the Post Office applied for more money. One would have thought the Postmaster General would have been the person to communicate with the Chancellor of the Exchequer upon a question of money; but, instead, the officials of the Post Office, without, in the first instance, saying a word to the Postmaster General, wrote, not to the

Chancellor of the Exchequer, but to the Controller of the National Debt Office, Sir Alexander Spearman. Why should the underlings of the Post Office do that? The best advice Sir Alexander Spearman could have given would have been "Consult your own superior;" but he referred them to the Chancellor of the Exchequer. The matter was laid before Parliament, which in that year granted £1,000,000. So ended 1871. He now came to 1872. Early in March in that year the Committee on Public Accounts traced the application to Revenue of the £382,000 which ought to have gone to the capital account. Mr. Scudamore had said in 1871 he should be able to show that the Department was on the eve of fulfilling its promises to Parliament and the public, and yet in 1872 he found himself in this financial difficulty. He communicated with the Chancellor of the Exchequer, whose private secretary, Mr. Rivers Wilson, wrote to Mr. Scudamore asking for further information as to what would be required. In reply, on the 20th of March, 1872, Mr. Scudamore sent a memorandum stating that £8,000,000 had been granted by Parliament and rather less than £8,200,000 laid out—£6,640,000 in purchases and £1,500,000 in re-arrangements and renewals. He went on to say that the arrangements to be completed were of very little moment, and that the extensions which remained to be carried out were very inconsiderable; that an additional outlay of from £100,000 to £150,000 would meet the requirements of the service; that the capital account might be closed at the end of the coming financial year; that a Report would be in the hands of the Chancellor of the Exchequer in two or three weeks; and that, in addition to the further sums required on capital account, a Supplementary Vote of from £120,000 to £130,000 would be required for the working expenses of the year. Mr. Scudamore on the same day wrote to the Chancellor of the Exchequer, and referring to a letter written in June, 1871, and to the Act of Parliament, and the application made by the Department for a portion of the sum authorized to be raised by the Act, said he now began to see that the sum authorized to be raised would be required before the termination of the financial year to make good the sum which had been expended, and that, in

fact, the sum of £400,000 would be required to make good the sums expended in the purchase. The capital account up to that time had never been properly stated, but Mr. Scudamore said that it was in course of preparation; that a good deal of it was in the printer's hands; and that it would be laid before the Committee on Public Accounts. That was in March. Autumn came, November and December passed, but no capital account was presented; and it was not until 1873 that the capital account was finally made out, and a great deficit was discovered. Must it not be held that the Post Office, in daily spending capital and saying nothing about it, had been guilty of a grievous neglect of duty? He could not help saying that Mr. Scudamore's zeal had greatly overrun his discretion in the management of this matter. In his examination Mr. Scudamore said it was entirely through his labours that the difficulties had been overcome, and that the irregularities only were remembered. He now came to another part of the case. It was desirable to find out who was responsible for the manner in which the Post Office had acted. No doubt the mischief in this case had arisen from the fact that the whole management was left to Mr. Scudamore without any proper supervision being exercised over him; but if the officers of the Post Office were to be left to themselves, to do exactly what they liked, what was the use of a Postmaster General? The Treasury Commission, who went carefully into the subject, laid down the duties of the Postmaster General in these terms—

"The Postmaster General as the head of the Department is responsible for its constitution and efficient administration, and, under the rule which governs every other Department of the State, the permanent officers of the Post Office can have no authority independently of him. The Secretaries give directions in his name and under his authority, and though in a large Department like the Post Office they must often act upon their own judgment; they only do so with his permission."

Therefore the Postmaster General was bound to look to the efficiency of the Post Office Service, and if there were irregularities he was responsible to the House for them. It might fairly be asked whether the Postmaster General had actual personal knowledge of what was going forward, or whether it was purposely concealed from him? The pre-

sent Postmaster General was appointed early in 1871. Seeing that the Telegraphs had just been transferred to the Post Office, which was entrusted with £8,000,000 of money, he ought on his appointment to have made inquiry as to the state of the accounts; and when in June, 1871, it was found that the Post Office had overspent the money voted by several hundreds of thousands of pounds, and was obliged to go to the Chancellor of the Exchequer for a further loan of £1,000,000, it was his bounden duty to have made himself fully acquainted with the state of the facts at that time. When Mr. Scudamore was asked if a letter which had been written was communicated to the Postmaster General, he stated that the circumstance was communicated to him before the letter was sent, and that a fair copy was afterwards laid before him, and that he made no comment either of approval or disapproval, probably believing that the matter was one for the Chancellor of the Exchequer, with which he need not concern himself. At all events, that was a warning to the right hon. Gentleman that the Service required narrowly watching, and having been warned of this over-expenditure, it was his bounden duty to see that nothing of the kind happened again. The question was, whether the Postmaster General knew what occurred in the Spring of 1872, and whether he was cognizant then of the fact that the Post Office had overspent itself in 1871, and had incurred a further expenditure of £200,000 in March, 1872? At all events, after the warnings of 1871 and 1872, the right hon. Gentleman ought to have exercised great discretion and judgment in carrying on the business of the Post Office. Was the Postmaster General aware in March, 1872, of the correspondence which was passing between Mr. Scudamore, Mr. Rivers Wilson, and the Chancellor of the Exchequer? Why, it was clear that at that time the Postmaster General had distinct notice from the Chancellor of the Exchequer that this correspondence had taken place.

"I had forgotten," said Mr. Scudamore, "that this note had been sent to me; but I find I sent a reply to Mr. Rivers Wilson on the 21st of March, I have no doubt, however, that I told the Postmaster General what I told the Chancellor of the Exchequer."

This overspending of £200,000 of the

public money without authority was no light matter; and yet the letters which had passed between the Chancellor of the Exchequer, the Postmaster General, Mr. Rivers Wilson, and Mr. Scudamore had all been lost with the exception of one small scrap of the correspondence, and both the Postmaster General and Mr. Scudamore had entirely forgotten this letter. The Postmaster General, in his evidence, said he presumed the reply must have been satisfactory to him, because he had never mentioned the matter to Mr. Tilley, whom he always consulted when a difficult question arose, and because it had not aroused his attention to the matter. It was not surprising, if the correspondence of the Post Office was conducted with this want of regularity and order, that these irregularities had taken place. There was another extraordinary matter which strengthened the whole case against the Postmaster General. The correspondence having gone on for some time, the whole matter was fully inquired into, and in 1873 Mr. Scudamore brought up a memorandum, which was forwarded to the Chancellor of the Exchequer, accompanied by a note from the Postmaster General. In that note the Postmaster General tells the Chancellor of the Exchequer that he regrets very much that the Treasury had not been consulted as to the expenditure of the capital account, and that the proper forms had not been drawn.

"Forms!" exclaims the Chancellor of the Exchequer in his evidence, "it is no question of 'forms.' How could the Post Office suppose that by going through any number of 'forms' the Treasury could have sanctioned such proceedings?"

This clearly showed that the Post Office authorities were not aware of the real nature of the transaction. They were not aware how grievous an error they were committing by applying the balances in the way they did. No doubt they thought that, as the Chancellor of the Exchequer had whitewashed them in 1871 and 1872, he would go on whitewashing them. Having disposed of the case of the Postmaster General, he would now say a word about the Treasury. The same Act of Parliament which gave the loan said it was to be disposed of according to the order of the Postmaster General, with the sanction of the Treasury. Now,

if the Postmaster General chose to allow his subordinates to correspond with the Chancellor of the Exchequer, and to waive his own authority, he could not expect the business of his Department to be well carried on. If, on the other hand, the Chancellor of the Exchequer interfered with the business of the Postmaster General, he could not expect that it would be carried on as efficiently as it ought to be. It was singular that the Financial Secretary of the Treasury was never mentioned in the correspondence, and that the Treasury Accountant did not vouch for the accuracy of any of the accounts. The Postmaster General gave evidence before the Public Accounts Committee to show how badly the interference of the Chancellor of the Exchequer worked. The right hon. Gentleman had some plan for the better investment of the savings of the poorer inhabitants of the country, and this was mentioned to the Chancellor of the Exchequer. One would have thought that the Chancellor of the Exchequer, after taking the subject into consideration, would have framed some regulations in regard to it, and sent them to the Postmaster General for his approval. But the Chancellor of the Exchequer did no such thing. He consulted Mr. Scudamore, and a code of regulations was drawn up, and was in force for several months before the Postmaster General had any sort of idea of the matter. Under the Act of 1869 the Treasury was responsible for seeing this money was properly applied. If the two Departments were connected the Treasury ought to keep a sharp eye on the Post Office, because it was practically a Revenue Department. In 1871 Mr. Scudamore informed the Chancellor of the Exchequer that the Post Office owed the Exchequer £390,000 for Telegraphs, and other large sums to their own balances, and that he could not state that the sum then asked for would be all that would be required, nor could he state the precise limits of future requirements. Did not that give the Chancellor of the Exchequer fair warning that in 1871 it was a dangerous service, and that more money had been expended than ought to have been? On the 26th of July in that year the Telegraph Bill was brought in. It passed through all its stages without a word of explanation from the Chancellor of the Exchequer, the Post-

master General, or the Financial Secretary of the Treasury, although a full explanation ought to have been given after the full warning which the Chancellor of the Exchequer had received. He received another warning in 1872. In that year he was made aware that another sum of £200,000 more than ought to have been spent was being expended. The right hon. Gentleman knew that the balances of the capital account had never been rendered. He had asked for them two or three times; but he had allowed himself to be hoodwinked, and they never were rendered, until the discovery was made by the Committee on Public Accounts in 1873. In point of fact, the Chancellor of the Exchequer had interfered where he ought not to have interfered, and he had never consulted the Postmaster General where he ought to have consulted him, thus practically taking upon himself the whole responsibility. The Postmaster General ought to have discovered what was going on from the Savings Bank balances, for how could such a sum as £430,000 be allowed to remain in the Bank, when £50,000 would have been quite sufficient for all the requirements of the service? In submitting the present Motion to the House, he (Mr. Cross) maintained that every word it contained was true. He asked the House to affirm nothing that was not contained either in the Report of the Treasury Commissioners, or the Report of the Committee of Public Accounts. But he was not content to rest his case either on one or the other; he rested it on the evidence of the Chancellor of the Exchequer himself, and every word of his Resolution was taken practically from the evidence given before the Committee of Public Accounts by the right hon. Gentleman. He asked the House—

"Having considered the Reports of the Select Committee of Public Accounts, to record its disapproval of the conduct of the Post Office in respect of the misappropriation of the balances therein mentioned."

This word "misappropriation" was used by the Chancellor of the Exchequer no less than four times in his evidence. He was asked the following question:—

"We (the Committee) go on to say, so far as those balances consist of Savings Bank deposits, such dealings must be held to amount to misappropriation of a peculiarly serious character."

The Chancellor of the Exchequer properly and wisely replied—"I quite agree with that." The House was asked by his Resolution to disapprove, as the Chancellor of the Exchequer had disapproved, the conduct of the Post Office in respect of the misappropriation of balances. Then the Resolution went on to say that the House—

"Is of opinion that the control of the Treasury over the Post Office as a Revenue Department having proved inadequate for the earlier detection and rectification of such irregularities, requires to be more watchfully exercised."

The Chancellor of the Exchequer gave three answers before the Committee, in which he admitted that this was his own opinion. In answer to Question 2,085, he said—

"I am afraid that in the multiplicity of affairs our attention was not directed to that as it ought to have been. I frankly admit that."

He was asked again (Question 2,060)—Why, no answer having been received from Mr. Scudamore, the matter was allowed to run on till the month of March, 1873? The Chancellor of the Exchequer replied—"In candour, I am bound to say that I think we were to blame in that respect." A third time he was asked (Question 2,063)—

"You agree, then, with what is suggested in the 171st paragraph of the Treasury Commissioners' Report—'It may be questioned, indeed, whether the Treasury did not trust too implicitly to the Post Office, and whether it sufficiently exercised its right of control?'"

The Chancellor of the Exchequer replied—"I think so; that censure is just." If these were the words of the right hon. Gentleman, how could the House refuse to go as far as he himself went? He was told—although he could hardly credit the rumour—that the Government were not willing to accept his Amendment, but that they had resolved to accept the Amendment of the hon. Member for Maidstone (Sir John Lubbock); but the Motion and the Amendment, though they differed in words, were in substance the same. Would the Chancellor of the Exchequer appoint a Committee to consider what was the difference between the two? He regretted that the House had not got before it at the same time two or three other Reports from Committees on the state of matters at the Treasury. If the terms of his Motion were true, why should not the House accept it? If untrue, he was ready to strike out any

portion of it. It was the duty of that House, where a fault had been committed, to put its finger on the blot. Here the fault was with the Post Office and the Treasury, and the House was bound to do what it could to stop such practices for the future. The real meaning of the Amendment was that, although the House was sorry for what had happened, it would not blame anyone, and that some further alteration was required in the law to prevent a repetition of such proceedings. But everything that had happened might have been prevented without any alteration of the law if the Post Office and the Treasury had exercised a proper control. He abided by his Resolution; and if, as he believed, it was true, he trusted that the House would affirm it. The hon. Member concluded by moving his Resolution.

MR. W. FOWLER, in seconding the Motion, said: I cannot, Sir, regard this as a party question, and I have agreed to second this Motion, because I consider it to be a question removed from all party considerations. I cannot understand how the Public Business can be carried on if this House declines to express its opinion when such transactions as those referred to by the hon. Member opposite have taken place. I entirely agree with what the hon. Gentleman has said as to the conduct of the Post Office. I think that the cause of the whole difficulty is that the Postmaster General has allowed his subordinates to do his work. If he had really conducted the business of his Office himself, these things would not have happened, for he would have remonstrated against the misappropriation of balances, and he would have insisted on a stop being put to these irregularities. Mr. Chetwynd, the Receiver and Accountant General of the Post Office, has given evidence before the Committee of Public Accounts, which throws much light on the conduct of the Office. At p. 185 of the last Report, he says, that early in 1871 he knew that "a large sum was due from the Telegraphs to the Post Office;" and, at p. 131, he says he told Mr. Scudamore "that we were making large advances;" or, in other words, large sums were being spent out of Post Office revenue and out of Savings Banks balances, to forward the Telegraphs. Mr. Scudamore again admits that he spent the money "knowingly," and he says he informed

the Postmaster General in January, and the Chancellor of the Exchequer in June, 1871. I wish to refer again to the letter of 3rd June, 1871, for the language used in it was well calculated to arouse the suspicions of the Chancellor of the Exchequer. After saying that they wanted £610,000, and that they owed of it £330,000 to the Exchequer "for Telegraph revenue," Mr. Scudamore says, "the remainder we owe to our other balances." Now, the Chancellor must be supposed to know what "other balances" there were, and I think he ought at once to have made inquiry. As to the Post Office officials, it is quite plain they did not desire to be very specific, for (p. 111), Mr. Scudamore says he could not have got through the work if he had informed the Treasury beforehand and got their consent to everything. This, in my opinion, is the root of the whole matter. Mr. Scudamore, in his zeal and eagerness, has done what he had no sort of right to do, and he did not obtain the sanction from the proper authorities which he was bound to obtain. We get a further insight into the Post Office from Answers (1650 and 1659) of Mr. Chetwynd, where he tells us, on being asked why he had not paid the money over to the National Debt Commissioners which he knew was due to them, that he could not pay it because he had got no money, his superior officers having ordered him to pay over all the money he had in other ways. When asked why he did not tell the Postmaster General, his reply was, that there was no occasion, as the "fact was patent." When we consider such a state of things as is thus disclosed, the most extraordinary thing is that the Postmaster General could endure his position, and consent to be set on one side—his own Secretary writing to the Treasury independently of him, and as though he were of no account. If the right hon. Gentleman had asserted his authority, he would not have heard the disagreeable things which are now said of him, or been placed in the difficult position in which he now is. When we turn from the Post Office to the National Debt Commissioners, the only excuse for them is, that their Chief was in a bad state of health when these things were going on. If he had made inquiry, he would have seen at once, from the state of the balances, that something was wrong. The

best proof of this is that, within a week of the appointment of a new Chief, a large sum of money was paid over. It seems to be agreed on all hands that the Post Office was wrong; but, when we speak of Mr. Scudamore, who says he alone is responsible, we find that he is not responsible, as only the head of the Department can be. We naturally turn to the Treasury, and we find in Q. 1302 an excellent definition by Mr. Welby of what the responsibility of the Treasury is. He lays it down in the strongest terms, and accepting his definition, I hold that we cannot exonerate the Chancellor of the Exchequer. I have read the letter of 3rd June, 1871, by which he had warning; but, in August, 1871, he passed an Act which really endorsed the then past acts of the Post Office in spending public money without the authority of the Treasury. Nothing more was done till March, 1872, and then the Chancellor was informed that yet more money would be wanted. At p. 96 of this Report, you will find a letter from Mr. Rivers Wilson, stating that the Chancellor was "surprised and alarmed;" but nothing more was done. It seems clear that then, at any rate, the suspicions of the Chancellor ought to have been aroused; but the Treasury did nothing, except ask for a capital account time after time. So matters went on till March, 1873, when the Report of the Committee aroused the attention of everyone. I cannot admit the excuse of the Treasury—that they thought everything was right, and did not suspect anyone. It is the duty of the Treasury to look most watchfully after the finances of the country; and if, in such a case, they did not suspect that something was wrong, I think they failed in the performance of their duty. One thing alone ought to have aroused their suspicions. They might have contrasted the statements of the Savings Banks balances with former statements, and then they would have seen that something was irregular. I wish to avoid giving pain by personal remarks. Probably no one in the House regrets what has occurred more than the Chancellor of the Exchequer does. But the House has a duty to discharge independently of personal feeling, and I feel that every part of the Resolution is justified. The Amendment seems to me to be, in substance, exactly the same as the Resolution, though the

Amendment may have more of the smoothness of butter than the Resolution. The right hon. Gentleman may, perhaps, say of the hon. Member (*Mr. Cross*) that, though his words are smooth, there is war in his heart. At all events, there is no war in my heart. Looking at the subject independently of party considerations, I cannot but regret that the Government has not accepted the Motion, instead of having an Amendment moved which really means nothing new, and is only calculated to blind the eyes of the public.

Motion made, and Question proposed, "That this House, having considered the Reports of the Select Committee of Public Accounts, records its disapproval of the conduct of the Post Office in respect of the misappropriation of balances therin mentioned; and is of opinion that the control of the Treasury over the Post Office as a Revenue Department having proved inadequate for the earlier detection and rectification of such irregularities requires to be more watchfully exercised."—(*Mr. Cross.*)

SIR JOHN LUBBOCK, on rising to move, as an Amendment—

"That this House regrets to find, from the Reports of the Committee on Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purposes of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding."

said, the subject which the hon. Member for South-west Lancashire (*Mr. Cross*) had brought before the House was one of great public importance, and he felt that he had undertaken a grave responsibility in asking the House to assent to the terms of his Amendment rather than those of the original Motion; but he hoped to show the House that notwithstanding what was said by his hon. Friend opposite, there was a great difference between the Amendment and the Motion. Fortunately, although the subject was very intricate, and there were some points even now not entirely cleared up, still, thanks to the care with which the Committee of Public Accounts had investigated the question, and to their very lucid Report, the main facts of the case were clearly before the House. No one, he believed, in the House had any desire to under-rate the gravity of the irregularities which had occurred. It was most serious that nearly £1,000,000 of public money should have been spent

without the sanction of Parliament, without the consent of the Treasury, and even without the knowledge of the head of the Department responsible for the expenditure. That such a state of things should be possible was a strong argument for those who considered that Government ought, as far as possible, to avoid entering into commercial and manufacturing undertakings. Fortunately, in the present case there had been no fraud. They had to complain of excessive zeal for the public service, and too little regard to necessary checks and rules, but there was no question of personal dishonesty. Another time, however, they might be less fortunate, and it was surely, therefore, important that any Resolution which the House might pass should cover all those who had been to blame, and condemn everything which had been irregular. But before he proceeded to those points he must say that the latter part of the hon. Gentleman's Motion was somewhat ambiguous. It said that the control of the Treasury over the Post Office "having proved inadequate, requires to be more watchfully exercised." If the power of control proved inadequate, the inference was that it ought to be strengthened. Indeed, from one point of view, the Resolution might almost be regarded as an exculpation of the Treasury. Without, however, dwelling on a question of wording, it seemed to him that in some important respects the Resolution of the hon. Member for South-west Lancashire did not go far enough. He asked the House to record "its disapproval of the conduct of the Post Office in respect of the misappropriation of balances," omitting any reference to the fact that the expenditure itself was incurred without any Parliamentary sanction. But suppose Mr. Scudamore had made contracts for those extensions and carried them out on credit; there need then have been no misappropriation of balances, but would there have been nothing to complain of? The improper application of balances ought not to make the House lose sight of the other irregularity. He regretted the expenditure which had been incurred, not only on account of the manner in which the funds had been obtained, but also because that expenditure was incurred without the sanction of Parliament. The hon. Member asked the House to censure the Post Office

and the Treasury; but there were others who were not free from blame in the matter. In the first place, the National Debt Office could not, he thought, be wholly acquitted. The Committee of Public Accounts reported that they ought to have observed the irregularity with which payments had been made, and especially the diminution in 1870 as compared with 1869. In fact, the present Controller, immediately after his appointment, in March last, wrote to the Postmaster General requiring an account, in consequence of which £430,000 was at once paid over. Indeed, one high authority, *The Economist*, considered that "the National Debt Office was, above everybody, to blame." Again, the Audit Office, as the Committee of Public Accounts pointed out, seemed also to have neglected its duties. The evidence on this point was most remarkable. Mr. Philips was asked by the hon. Member for Sunderland (Mr. Candlish)—

"We understand that since the summer of 1870 the question of auditing the Savings Bank accounts has been in abeyance?"

To which Mr. Philips replied—"It was in abeyance long before that time." The Chairman of the Committee then said—

"But you have continued to receive these monthly statements of balances?"—"We were bound to continue to receive them." "What have you done with them?"—"The accounts subsequent to the 31st of December, 1870, have not even been looked at. They have been received, but not looked at at all."

Surely that was a very grave and unsatisfactory state of things. As regarded the Treasury, it must in justice be admitted that after the attention of the Chancellor of the Exchequer had been called in March, 1872, to the fact that Mr. Scudamore's powers were exhausted, the Chancellor of the Exchequer wrote four times to the Post Office for further information. Moreover, the general regulations which had been laid down by the Treasury had worked well, and the Treasury might urge that they could not have supposed that the distinct provisions of the Savings Bank Act would have been set aside, as appeared from the Report of the Select Committee and from the evidence of the Controller of the Savings Bank Department, without a word of notice to the Treasury, on the sole authority of the Post

Office, he must in fairness add before the appointment of the present Postmaster General. The Resolution of the hon. Member for South-west Lancashire, moreover, would point to a more active interference on the part of the Treasury with the responsibilities of other Departments, a direction in which he was disposed to think they had gone far enough already. But, whatever blame might attach to the Audit Office, the National Debt Office, or the Treasury, for not having perceived what was being done, after all the Post Office, and particularly Mr. Scudamore, not only ought to have known, but did know, and were responsible for what the Government itself called "improperly diverting" funds to telegraphic purposes. As regarded the Post Office, however, it was one of the most remarkable things about this extraordinary affair, that they must detach the case as regarded Mr. Scudamore from that of the Postmaster General. He must say that the Postmaster General had grave reason to complain of his permanent Staff. No doubt much importance was to be attached to the principle of individual responsibility. It was desirable, and even necessary, to leave much power in the hands of the permanent officials; but he had always understood that it was an invariable practice, and, indeed, a fundamental rule in all Government Departments, that the permanent Staff kept their Chiefs well informed of everything of real importance. Not only was this required by that loyalty which ought to prevail in every office; but, considering the unremitting calls on the time of every Minister, he did not see how otherwise the business of the country could be carried on. Yet Mr. Scudamore and Mr. Chetwynd seemed to have kept their Chief studiously in the dark. Moreover, the communications between the Post Office and the Treasury should go through the Postmaster General; whereas it had for some time been the habit for the Secretary of the Post Office to communicate with the Treasury direct. If those communications had passed through the Postmaster it was probable that the present state of things would never have occurred. But, however that might be, the Committee of Public Accounts truly observed that the course adopted by Mr. Scudamore was

*Sir John Lubbock*

"destructive of all control by Parliament or the Executive Government, and would be of disastrous precedent if unmarked by some expression of disapproval."

Mr. Scudamore urged that he always understood that the management of the Telegraph business was practically left in his hands; and he (Sir John Lubbock) believed that a large portion of the sum laid out had been absolutely required by the extension of business. Parliament itself must also, he thought, accept some share in the responsibility. In Mr. Scudamore's letter to the Chancellor of the Exchequer on the 3rd of June, 1871, he distinctly observed that a sum of £610,000 was required, £330,000 of which was due to the Exchequer for Telegraph revenue, and he added, "the remainder we owe to our other balances." Nevertheless, when the Telegraph Act was passed that year, not a word was said on the subject, and, though the amount was comparatively small, that did not affect the principle. He believed, also, that the House and the country would agree with the Committee on Public Accounts that

"The Post Office, speaking generally, seems to be admirably organized and skilfully administered; so that it goes far to combine the maximum of public accommodation with the maximum of gain to the Exchequer. Again, to the abilities and energy of Mr. Scudamore is mainly owing the introduction of the plan of a Government Telegraph Department, its rapid realization and effective working. Much must be excused to a public servant to whom individually the public must feel under obligation."

He had not the pleasure of knowing Mr. Scudamore, nor did he appear as his apologist. Mr. Scudamore had frankly taken the responsibility—"I did it," he said, "and I am alone responsible for it." No doubt he had committed a very grave error, and that it should pass unnoticed would be a national misfortune; but, if past services ought not to affect the verdict, they might at least weigh in the consideration of the terms in which it was couched. In conclusion, he could not help saying that between the different Departments of Government there seemed to be a want of that harmonious feeling which was so necessary in the public interest. The Resolution of the hon. Member for South-west Lancashire appeared to him defective, inasmuch as it did not cover all those concerned, and expressed no condemnation of the large expendi-

ture which had taken place without any Parliamentary sanction. Under these circumstances, without exculpating the Post Office, or the Treasury, or Mr. Scudamore, it seemed to him that the Amendment sufficiently met the case as regarded the past. With reference to the future, the Committee of Public Accounts, after going most carefully into the whole matter, had reported that when the alterations recommended in the Treasury Minute of the 28th of June last were brought into operation "the requisite checks may be considered to be secured." Under these circumstances, he could not but think that it would be sufficient to place on record a Resolution substantially adopting the views of the Committee, and expressing the regret of the House at the irregularities which had occurred. The hon. Gentleman concluded by moving his Amendment.

#### Amendment proposed,

To leave out from the word "House" to the end of the Question, in order to add the words "regrets to find, from the Reports of the Committee of Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purposes of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding,"—(Sir John Lubbock,)—

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MONSELL: Having been put in the front of the battle by the hon. Member for South-west Lancashire (Mr. Cross), I think it will be most respectful to the House to rise at once. I shall not endeavour to throw any responsibility properly belonging to me on another, and the House can hardly need my assurance that I recognize as fully as any man the gravity of the case, and their constitutional right and duty to watch in the most vigilant manner over every misappropriation of public money. The hon. Baronet (Sir John Lubbock)—and I am almost content to leave the case as he put it—mentioned that measures will be at once taken to prevent any repetition of the irregularities. Nobody can be more interested than I am in preventing the recurrence of anything of the sort; and I feel most strongly that it is the bounden duty of

the House to prevent the possibility of any such occurrence. A man is a bad judge in his own case; but I do not think my conduct is so entirely indefensible as the hon. Gentleman opposite (Mr. Cross) thinks. It is not pleasant to sing one's own praises; but I feel bound to say that, as regards the Post Office branch of the Department, since I have had the honour to hold my present office no one has had any reason to complain of its administration. I believe the most important changes that have been made for years have been made during my tenure of office. Changes have been made to reduce largely the rate of postage and improve the parcels' post, and considerable steps have been taken in a matter to which a great many hon. Gentlemen concur with me in attaching the greatest interest—the getting rid of postal subsidies. The money-order system has been developed to a considerable extent; and the country has derived great advantage from the extension of the Telegraph system. Where my responsibility was undivided, I paid the greatest attention not only to the matters I have referred to, but to their financial results. Returns were prepared by my direction to show from week to week and month to month the effect on the revenue of the changes I had made; and I cannot reproach myself with any negligence in that particular. But in the Telegraph Department my responsibility was not undivided. I hope to be able to satisfy the House that the circumstances of that Department were so peculiar as to afford me a justification. I took office in January, 1871, and the hon. Member for Cambridge (Mr. W. Fowler) was mistaken in attributing to me the receipt of a communication of prior date. At the time I entered on office many of the irregularities on which, in a proper spirit, the hon. Gentleman opposite has commented existed. Take the case of the regulations as to the mode of keeping the Telegraph accounts. They were founded on an Act of Parliament, and went on this principle—that the Telegraph capital money was to be kept strictly separate from the Post Office balances. It is obvious that, had that been done, none of these irregularities could have happened. I found, however, when I came into office, that large sums of money—I think as much

as £500,000—had been transferred from the National Debt Commissioners, not to the Telegraph account, but to the Post Office balance. The money was removed from the stream in which it flowed in one direction and for one purpose, and was absorbed in that great vortex—the Post Office account. The hon. Member for Cambridge referred to the balances of the Savings Bank branch. A month before I took office—in December, 1870—the balance which remained to be paid into the Exchequer from that branch was £178,545, while in December, 1869, it was only £24,395. In January, 1870, it was £248,000; and in January, 1871, it amounted to £444,241, nearly the largest sum ever reached. Very soon after this the amount which had been voted by Parliament had been exceeded by £500,000. The hon. Gentleman has referred to the exceptional position of Mr. Scudamore. Now, I must say with regard to that exceptional position, if the House will consider the work done by Mr. Scudamore, if it will consider that at the time when we purchased the Telegraphs, our Telegraph system was inferior to that of any other country, while it is now the first in the world, it will be inclined to look with not too much severity on the means by which those great results were gained. But who, I ask, placed Mr. Scudamore in that exceptional position? He was placed there by the Duke of Montrose, and maintained there by my noble Friend now Chief Secretary for Ireland. I found him in that position, and though I think it possible that a greater amount of superintendence over him would have been desirable, still I am perfectly convinced that unless he had been left in a position of much greater independence than ordinarily belongs to the permanent head of any Department, the country would not have had the benefit of the results produced by his extraordinary talents and exertions. From the time he took charge of the Savings Bank department, Mr. Scudamore was, I believe, in the habit of constantly communicating with the Treasury through Sir Alexander Spearman. The letter which has been referred to, Sir Alexander Spearman recommended should be addressed to the Chancellor of the Exchequer. Unfortunately, without consulting me, Mr. Scudamore wrote directly to the Chan-

cellor of the Exchequer, and from that letter the hon. Gentleman (Mr. Cross) has quoted very largely. Mr. Scudamore undoubtedly did look to the Treasury as to his Chief for his Telegraph demands. That was the view he took of his position; and the difficulties which have arisen are very much owing to the fact that in the Telegraph department there was not that undivided responsibility that there was in other portions of the establishment. Mr. Scudamore, having been in communication with the Chancellor of the Exchequer once, looked to him afterwards; and it was because he did not look more to the head of his own Department, and keep him informed of all that occurred that these unfortunate difficulties have arisen. Mr. Scudamore's evidence before the Committee of Public Accounts clearly shows that direct communication between the Chancellor of the Exchequer and the Secretaries of the Post Office on financial matters has been the habit for many years. Hon. Gentlemen who have ever filled office must be perfectly aware that it is the universal practice in every public Department that when the political Chief of the Department is asked to sanction any urgent work to be done, if it so happens that there are no funds to meet it, the fact is stated in a Minute to be presented to the Chief; and in no single instance was that done to me. I never was informed that there were no funds available for the purpose. I therefore venture to submit to the House that my position as regards the Telegraph portion of the Post Office was entirely different from my position as to the other departments of the Post Office. The hon. Member for Cambridge has referred to three letters addressed by the Treasury to the Postmaster General; but he omitted to state that it appears by the evidence that not one of those letters was ever shown to me. I was not informed of them till the matter came before the Committee of Public Accounts. I have already stated that I have nothing to complain of in the language used by the hon. Gentleman with reference to myself. I say at once that I regret very much indeed—I shall always regret—that my name should in any way have been mixed up with these unfortunate transactions; but I shall at the same time recollect the kindness with which I was

received when I came forward to make my defence; and if hon. Gentlemen will only reflect on the simple explanation I have offered, and the difference that existed between the Telegraph department and every other department in the Post Office with reference to its Chief, they will find the key to the whole affair. I have only again to assure the House that I lament as much as anyone can do these occurrences; and it is to me the deepest source of regret that they should have happened while I had the honour of holding my present office. I do not know that it is necessary for me to detain the House further. I have frankly stated the causes which led to the present difficulties, and it has been my most earnest desire to enable the House to arrive at a just conclusion upon the whole matter. I thank the House most sincerely for the kindness with which they have received me.

MR. SCLATER-BOOTH said, he felt that the House had been exhausted by the very elaborate discussion which this matter had received; but, as Chairman of the Public Accounts Committee, it was his duty to make a few remarks on the present occasion. He had felt the greatest anxiety in investigating the matter to arrive at not only a just but moderate conclusion. He was also anxious that his hon. Friend the Member for South-west Lancashire should, in his Motion and his line of debate not only be strictly within the terms of the Report of the Committee, but of the evidence which accompanied it. The hon. Baronet the Member for Maidstone (Sir John Lubbock) had complained that his hon. Friend had not alluded to two departments which, in his opinion, were in some degree to blame—the National Debt Commissioners and the Audit Office. Now, he thought his hon. Friend had done right in not mixing up the conduct of those two departments with this question, because the first was a department of the Treasury, with ample means of control existing in the Treasury over that department; and, because the case as against the Commissioners, so far as there was a case, should be left as stated in the Report. And his reasons for saying that the Audit Office was rightly left out of the question was that as these misappropriations occurred between March, 1872, and March, 1873, many months had yet to elapse before

the appropriation accounts in respect of that year could come before it. For three years, however, the Auditor General had complained of the confusion that existed in those accounts. If he had any fault to find with the Motion of the hon. Member for South-west Lancashire, it was because, it being couched in general terms, he had gone into too particular an analysis as to the relative amount of blame which ought to be attached to the various individuals mixed up in the transaction. Everyone must have listened with sympathy to the statement of the Postmaster General as to the difficult position in which he had been placed. Two years ago, when he entered office, these irregularities were in full swing, and it was impossible to apportion blame amongst the officers of the Post Office Department as stated in the Report, and which the Committee thought the most just mode of treating that portion of the subject. The words of the Motion of the hon. Member for South-west Lancashire were not only true, but they were as moderate and reasonable as the House could desire them to be. If the House had a function at all, it was jealously to watch over the expenditure of money on a large scale without the authority of the House; and it had now been expended in one case without the authority of the Votes in Supply, and in the other without the authority of a money Bill. Could there be a greater farce than their spending the time they did to vote money in Committee of Supply, and hedging the issue of money around with so many securities, if, when a case of this kind occurred, and the authority of the House was so flagrantly disregarded, they forebore to place their disapproval on record? If there was a word in the Motion of his hon. Friend which was open to exception, it might be remedied; but he trusted that the House would prefer it to the Motion of the hon. Member for Maidstone, which, although similar in its effect, was less decided in its language.

THE CHANCELLOR OF THE EXCHEQUER: If there be no difference between the two Resolutions in the opinion of hon. Gentlemen, we prefer that of the hon. Member for Maidstone (Sir John Lubbock); and if hon. Gentlemen are indifferent they cannot object to it either. Therefore, let us

come to a unanimous conclusion on the matter. I am afraid, however, hon. Gentlemen will discover some difference, and I am not sanguine as to my proposal being accepted. I am not here to argue the question polemically or to throw blame on anyone, but merely to offer explanations with regard to the Department of the Treasury, to observations made in a fair and reasonable spirit. Having looked at these transactions with some attention and anxiety, I have the greatest pleasure in rendering a tribute of approbation to the manner in which this very difficult and delicate investigation of the Committee of Public Accounts was carried on; it was a most laborious, fair, and impartial inquiry, and it gives me great pleasure to make this acknowledgment. The words of the Motion of the hon. Member for South-west Lancashire (Mr. Cross) imply more than appears. It refers to the Reports of the Select Committee of Public Accounts, and expresses disapproval of the conduct of the Post Office in respect of the misappropriation of balances therein mentioned, and it implies that it was the duty of the Treasury to exercise its power so as to detect and rectify the misappropriation of balances, and calls upon them to do so. This is a very serious assertion to make, and unless it can be supported on fact ought not to be embodied as a Resolution of this House. Although it is quite right the Treasury should be censured for failing in the duties cast upon them, it is equally undesirable they should be censured for failing in duties which really do not belong to them. Therefore, I must trouble the House with a few words upon the real duties of the Treasury. It is a Department having control over other Departments; but the word "control" implies, not that it is its duty to watch them and act the part of a detective towards them, but that whenever changes are made and difficulties occur and scandals are detected, it is the duty of the Treasury to devise regulations for meeting, correcting, and remedying them. In this sense only does it exercise control. It is impossible that it ever should or that it ought to watch over and inquire into the expenditure of the other Departments; it has no machinery for doing so; this was never considered its duty; and if it is to undertake it, the Department must be strengthened in numbers and have

its organization remodelled. It would be a much more serious thing than censuring me, or any person connected with the Treasury, that the House should, under a mistake, censure the Treasury for not performing duties which really do not belong to it. As to what the duties of the Treasury are, I will quote a high authority—an answer given by Sir William Anderson before the Public Moneys Committee in 1856 in reply to Mr. James Wilson. The following are the Question and Answer:—

"Mr. Wilson.—Parliament having granted certain sums of money to various Departments, whether for Army, Navy, or Civil Departments, imposes upon these Departments the responsibility of spending that money, subject to the general control of the Treasury, as laid down by the Appropriation and other Acts? Mr. Anderson.—Yes; the detailed application of the moneys granted for these services rests entirely with those Departments. The control of the Treasury does not interfere with the incurring of expenditure in any shape—all that belongs to the Executive Departments; but if the Treasury thought that the Departments were spending—and they could only know it through the issues—more than they thought ought to be spent in a given period, the Treasury might call for explanation."

This I believe to be as exact a definition as it is possible to give of the duties of the Treasury. [Mr. HUNT: Does that refer to the revenue or the spending Departments?] It is quite general; it applies to both the spending and the revenue Departments. There is no doubt of this—whenever a thing comes to the knowledge of the Treasury it is the duty of the Treasury to act upon it. If, for instance, as frequently occurs, a Department should report irregularities, it is the duty of the Treasury to act by making fresh arrangements. If it should find something going wrong in a Department, it is then the duty of the Treasury to act; but the Treasury is not bound to exercise a strict surveillance or watch over the other Departments, nor is it provided with the machinery for doing so. This is a distinction I wish to impress upon the House. Therefore, it is not the practice of the Treasury to take precautions to see that any regulations it makes are worked by a Department; it is always assumed that the Department for which the regulations are made will give its co-operation, and the Treasury does not interfere or inquire whether its regulations are being complied with. For instance, in 1861, when Post

Office Savings Banks were introduced, the Treasury made rules and regulations, and under the Duke of Montrose, in 1868, these were set aside without the Treasury knowing anything of it.

[Mr. ASSHETON CROSS: That was made known in a document laid on the Table of the House.] I cannot say whether that is so; but it was not actually known to the Treasury, nor was their consent invited. In 1854 an Act was passed providing for the payment of the whole revenue into the Exchequer; regulations were made by the Treasury for all these Departments; and these regulations are in force, and have hitherto worked satisfactorily. This being the state of the case, I quite admit that the Treasury is bound to act if anything comes to its knowledge, and to exercise control. Therefore, the whole question we have to put before the House resolves itself into this—Was there anything in the state of affairs detailed to the House which should have made the Treasury suspect anything so strange as that a trusted and highly-placed officer of great standing should have fallen into such an irregularity? I fearlessly say there was not; and if the House will favour me with its attention for a few moments I will prove that to be so. We had no Report on the subject; there was nothing given to us; and if we were to blame it was in this—that we had good and reasonable grounds for suspicion, not that more money was spent than the exact sum that was appropriated for the service, but suspicion that there was something wrong in the matter, and that money was being wilfully diverted from its purpose. What grounds were there for that? In the first place, one ground would have been if we had found that the revenue did not correspond with the estimate—if it had fallen much short of the estimate, and there had been nothing in the state of trade, or anything else to account for it. That would have been a reasonable ground for suspicion. But it so happens that, although there was a slight fall in the revenue in 1870, in 1871 it exceeded the estimate by £100,000, and so it did also in 1872. Whether that was a matter of accident or not I do not know; but there was nothing in the issues to attract our attention in that direction. Then we come to 1871, about which so much has been said. Mr. Scudamore then acted in

a manner peculiarly calculated to disarm suspicion. He came to us with the utmost promptitude; he came as soon—even sooner—than the matter was discovered, because he spoke of £600,000 as the amount that had been exceeded, when in fact there was £300,000 of the money borrowed under the Acts which had not been expended. That cut down the amount to £300,000; and when we came to investigate, we found that it had been reduced to £285,000, which was the whole of the excess on this account. But we thought nothing of it. As I said before the Committee, there was nothing to excite suspicion, because the sums were large; the accounts were not, and could not, be kept up to the time for which the estimates were made; there was a good deal of conjecture, and no one knew exactly how the thing stood. It would have been unjust and unfair if at that time we had cherished suspicion against an eminent public servant like Mr. Scudamore. We have heard condonation talked of. I think there was nothing to condone. It was a thing likely to happen unless we could exactly adapt the expenditure—which was almost impossible—so as to eat up the precise sums already at their disposal. It would be most unreasonable to lay such a burden on public servants who were doing this difficult work. I confess it did not raise my suspicions, and if it had they would have been perfectly ill-founded, because I know that at that time Mr. Scudamore had been guilty of no impropriety, and had worked the matter fairly and *bond fide*. The next case is that of 1872. In that year Mr. Scudamore also behaved with the greatest promptitude. He was over-prompt, in fact, because he came to us in March, 1872, and stated the state of the account, when he only knew how matters stood up to the end of December. His statement was quite conjectural on that subject, and in transactions of such magnitude the sum he mentioned was not very large, or in any way alarming. There, again, had we nourished suspicions in regard to the statement of Mr. Scudamore we should have done him great injustice. Up to that time he had been guilty of no irregularity or impropriety. But, more than that, Mr. Scudamore, no doubt innocently and sincerely, did everything to lull one's suspicions to the last. At pages 12 and

14 of the statement of the Treasury officers, will be seen letters which he addressed to me of a nature certainly to lull any sort of suspicion. He said the re-arrangements were completed, the renewals yet to be completed of very little moment, and the extensions which remained to be carried out inconsiderable, and not pressing for completion; that an additional outlay of £100,000 or £150,000 would meet the requirements of the service in that respect; and that, as far as the re-arrangements and extensions were concerned, the capital account might be closed at the end of the financial year. Besides the re-arrangements and extensions there was nothing left except the payments under the arbitrations to the railway companies. Therefore, we had the strongest representation that, although he could not fix the exact amount, no considerable amount would be required, and that the matter might be wound up in the financial year. In another letter, written to me about that time, Mr. Scudamore promised to do his best to get the materials for an estimate of what the railways were likely to get, and to take care that the Chancellor of the Exchequer should not have to propose another money Bill except upon data that would be satisfactory to him. What did that mean? That money was to be spent in no other way than by the agency of that Bill. Did it not amount to an undertaking which would be understood between gentlemen, that not a farthing would be spent until the materials for another Bill were prepared. [An hon. MEMBER: What is the date of that letter?] The 22nd of March. It is not included in the Appendix to the Report of the Committee. I do not make any complaint of that, because there are matters in it which I can quite understand the Committee did not deem it would be convenient for the public service to publish; but I still think it was an error to omit that letter altogether. The Report he was writing, he said, would contain the data; it would be in the Chancellor of the Exchequer's hands in a fortnight or three weeks, and if he would wait till he saw it, he was sure he would be satisfied with the result. These, then, were the representations made to me—that the sums required were in themselves insignificant; that the materials for a Bill would be obtained as quickly as possible, but that

there was some difficulty in getting them; and therefore the impression left, and intended to be left, on my mind was that there was nothing very pressing in the matter, and that a Bill could be passed any time when it was completed. Well, almost immediately after that a large measure was introduced on behalf of the Post Office for regulating the whole establishment last year. That was a matter of great complexity and difficulty, and the Treasury was occupied two or three months incessantly in coming to a conclusion upon it. I made allowances for the difficulties of that, and did not feel much inclined to press a Department that was over-worked, and had more to do than it could possibly get through. We did not receive the materials for the Bill, and Parliament being once up, we thought the matter did not press much, and that if it was brought in next Session it would do. I have not scrupled to take blame upon myself. I think we were lax, and did not exert ourselves to the full extent we might have done, judging by the event. Not that we had the grounds of suspicion, or entertained the least suspicion on the subject; but I think we should not have allowed ourselves to be so easily put off in a matter of this importance. I have no scruple in making that admission, and if the hon. Member for South-west Lancashire likes to put my admissions into Parliamentary language, I am not the man to vote against him. But what he has placed on the Paper is entirely different from that. The hon. Gentleman said I was perpetually interfering with the Post Office authorities, I am sorry to say my fault has been that I did not interfere enough. That is the fault I confess, and the only one that can be imputed to me. I was too loth to interfere, and was not stringent enough in my demands. As to interfering in any other way, I have not done it. It was absolutely necessary that we should have the information, and it was right that we should not come to Parliament without it, because we had been again and again to Parliament, beginning with estimates of £2,000,000, and we were anxious to get correct data and have done with it. The hon. Gentleman says we had to be consenting parties to all this expenditure. He makes an entire mistake. If he refers to pages 114 and

115 of the Report of the Committee of Public Accounts, he will see that the Treasury are required by statute to lay down regulations for the expenditure, and he will find that we have laid down such regulations; so that we were guilty of no fault in that respect. The hon. Gentleman also referred to the plan for making the Post Offices agencies for buying stock in the Funds for people. Now, so far from making any new regulations as to that, in defiance of the Postmaster General and Mr. Scudamore, no new regulations were made, and I did not adopt the proposal. That, then, is the case which I have to lay before the House, and I think they will see that, so far as the Treasury are concerned, with the exception of the single fault which I have indicated, there has been no cause of complaint as to its conduct.

SIR FREDERICK W. HEYGATE considered it would be wrong to allow the debate to close without saying how much the House was indebted to the Committee of Public Accounts for their inquiries into this matter, and to the hon. Members for South-west Lancashire (Mr. Cross) and Maidstone (Sir John Lubbock) for the admirable way in which they had placed the matter before the House. It would have been a serious scandal if the House of Commons, which boasted of its control over public expenditure, had passed it over in silence. As an attempt had been made to throw the blame on the Postmaster General, he must say that when he had occasion to confer with the right hon. Gentleman he had always been received with great courtesy and kindness. With regard to Mr. Scudamore, he knew perfectly well that had it not been for that gentleman's energy and ability the present excellence of the telegraphic system would not have been achieved. He did not wish to detain the House, but both Resolutions were so much alike that he could vote for either; but, for his own part, he had rather not vote at all. What had been said could not be without good results, and he thought the House had vindicated its supervision over the financial administration of the country. If his hon. Friend the Member for South-west Lancashire divided the House, he should certainly vote in favour of the Motion.

MR. OSBORNE: If I wanted any evidence of a decaying Government

and a worn-out Opposition, I need not go further than the debate which has taken place upon this most grave question. A graver question has never in my time been debated before Parliament. [Murmurs.] Why, if we sit here in any capacity at all, it is as the guardians of the public purse. How have we guardians of the public purse conducted this debate? With a mealy-mouthedness, and with an apology from the Chairman of the Committee (Mr. Sclater-Booth), not for censuring, but for attempting to question, the conduct of the Post Office and the Treasury upon this most important and grave question. Now, the whole of this debate has rested upon the question, who are the responsible parties for having misappropriated nearly a million of money without the consent and with the utter ignorance of the House of Commons? Is not that a grave question? We are asked now—"Who are the responsible parties?" My hon. Friend who moved this Motion (Mr. Cross), in a speech unequalled, I think, alike for its moderation and its perspicuity, endeavoured to apportion the blame as evenly as he could. He says the Post Office is in the first instance to blame; but if I gather anything from his speech and the facts he has adduced, it is the Treasury, and the Treasury alone, which is to blame—having, as it has, the supreme control of the financial arrangements of this country. I think he might have fairly applied to my right hon. Friend the Chancellor of the Exchequer the inspired words—"Nathan said unto David, 'Thou art the man!'" Why, Sir, it is all nonsense, and worse than nonsense, for any hon. Gentleman to endeavour to put the onus on a second clerk in the Post Office. Mr. Scudamore, no doubt with a chivalry that does him honour, acted in a way that reminds me of the humble champion of the old Duchess of Marlborough, who, when a grave social impropriety was committed, said,—"Say it was I." Mr. Scudamore says—"Say it was I," and takes the whole responsibility on himself; but is that sufficient for this House? This House has nothing to do with Mr. Scudamore. He is not responsible to us. We ought to look to the heads of Departments; for if we are to shuffle off these questions by saying that a clerk in the Post Office, however distinguished and disinterested he may be, is to take the

burden of the blame on his shoulders, there is an end to Parliamentary government. It strikes me very much that the Motion of my hon. Friend the Member for South-west Lancashire is as lenient a Motion as, under the circumstances, could be brought before this House; because it must be palpable to every Gentleman here that what would have assumed the grave form of a Vote of Censure in the month of March, dwindles down to a soft admonition at the end of July. The Government are so far lucky in the absence—which I very much regret—of the Leader of the Opposition from the opposite benches; but, at the same time, I think we owe a duty to our constituencies—at least, such Gentlemen as are returned by independent constituencies—and we ought not to make everything smooth for the right hon. Gentleman and his Colleagues, considering how soon we may have to account on the hustings for our *laches*. [Ironical cheers.] That, however, is not my reason. I am perfectly indifferent whether I sit in this House or not, and I am the more indifferent when I see the way in which this grave question has been treated by the House. As far as I can gather from the speeches of hon. Gentlemen, it appears that my right hon. Friend the Postmaster General is a very ill-treated individual. He is to be made a sort of Paschal Lamb on this occasion, and Mr. Scudamore is to be made the whipping-boy or scapegoat of the transactions. Is the House content to receive that? The Amendment moved by the hon. Baronet the Member for Maidstone (Sir John Lubbock) is a curious Amendment, and I cannot for the life of me see how the Government derive consolation from it.

"Strange that such difference should be  
Twixt Tweedledum and Tweedledee."

The only fault I find with the Motion of my hon. Friend opposite is that it resembles milk, while the Amendment resembles the water to that milk. The great defect of the Amendment is that it takes no cognizance of what has been done, and if, instead of "The House is of opinion that it is the duty of the Government to prevent a recurrence of such proceedings," it said, "The House is of opinion that it was the duty of the Government to take effective measures to have prevented such proceedings," I should have voted with the hon. Baronet. As it is, I can have no scruple—nor do

I understand how any Gentleman, unless he be a bigoted follower of the right hon. Gentleman and his harmonious Colleagues, can have any scruple in giving a vote for the Motion of my hon. Friend the Member for South-west Lancashire. I was surprised to find in the hon. Baronet's Amendment no mention of what he referred to in his speech. With regard to the blame imputed to Sir William Dunbar, hon. Gentlemen will find, on reference to the book, that he gave as a reason why the accounts were not looked to sooner, the circumstance that he has not a sufficient Staff to examine them. He actually wrote to the Treasury to ask for a sufficient Staff. Not a word about this was said by the hon. Baronet the Member for Maidstone. These are the red herrings which are drawn across our track. The real responsible man in this transaction is the Chancellor of the Exchequer. I sincerely pity my right hon. Friend the Postmaster General, because he is unable to make the true defence, which is that the Chancellor of the Exchequer entirely superseded him in his office, and that my right hon. Friend, with that meekness and gentlemanly feeling which characterizes him withdrew altogether when he found he was not communicated with, but that communications were held with his subordinates. If hon. Gentlemen will turn to page 78 they will find the remarkable opinions which one Colleague has of another. When asked if it be possible for any Postmaster General to be blamed for misappropriations if he were not communicated with, the Chancellor of the Exchequer said—"Of course, the Government cannot treat him as the head of the office, unless it is the will of the Postmaster General to be so treated." This is the right hon. Gentleman's opinion of a Colleague. The Chancellor of the Exchequer goes on to tell the Committee—

"If the Postmaster General chooses to transact business through his Secretaries that is his affair, provided that the Secretary has the power to bind the Department. That is all we have to consider. It would be mere pedantry for us to insist on anything else. Whether the Postmaster General does wisely by being in the background is a matter for him."

Now, in the teeth of all this, I think the House has been rather apt to take this thing as a matter of course. But here is a case of £800,000 appropriated

by a clerk in the office with whom Parliament has nothing to do. And notwithstanding all that has been said against Mr. Scudamore—and no one doubts his honesty or ability—the only thing I regret is, that he is not at the head of the Exchequer. I think that we should then have a more efficient Chancellor of the Exchequer. I do not know whether Mr. Scudamore is a member of the London University; but if he will take my advice he will endeavour to gain a seat in this House. But at present this House has nothing to do with Mr. Scudamore. I go to the heads of the office—to the responsible people in Parliament. Now, it is in evidence that the Postmaster General has been kept in the dark by the Treasury. He has been superseded in his office. Whether he finds that consistent with his duty to the county of Limerick, that is an affair, as the Chancellor of the Exchequer says, for himself to consider; but as a Friend of the right hon. Gentleman I regret the position in which he has been placed, and the contempt which he has suffered. If this were a single case occurring at the Treasury, something might be said in explanation. But I cannot forget that no less than four Committees have been sitting this Session to inquire into the conduct of the Treasury, and there have been other important things besides to which I do not feel at liberty to allude. I am therefore of opinion that it is necessary this Treasury should be reformed altogether. I do not think that the Chancellor of the Exchequer has been particularly successful there; and there have been Chancellors of the Exchequer who, when such charges had been made against them, and with such a vote hanging over them, would not have conddescended to involve themselves in a fog of figures from the Treasury Bench, but would have thrown up the office in disgust. But that, as the right hon. Gentleman said of the Postmaster General, is "a matter for his own consideration." With respect to the speech delivered by the hon. Member for North Hants (Mr. Slater-Booth), in which he seemed to be apologizing for the Report of the Committee of Public Accounts, I was a little surprised that he gave us so little information as to his own opinion of these transactions. When the Chancellor of the Exchequer says he knew no-

thing about these matters, I should like the House to turn to the Report of the Committee of Public Accounts, page 96, and to read the letter of Mr. Rivers Wilson, private secretary to the right hon. Gentleman, addressed to Mr. Scudamore, in which it is clear that the Chancellor of the Exchequer was aware that the money voted by Parliament had been spent and how. But to-night the right hon. Gentleman says he knew nothing about it. With a taciturnity that does him credit the right hon. Gentleman never opened his mouth for nearly a year, showing that he deserves to be a Cabinet Minister, because he knows how to keep a secret. It is well known that at this period of the Session no discussion can be successfully carried on, and the best advice I can give the Chancellor of the Exchequer and the Postmaster General is to follow the example given in *The Beggar's Opera*, when Peachum embraces Lockit, and says "Brother, brother, we were both in the wrong." My right hon. Friend the Postmaster General has been singularly placid and uncomplaining. The Chancellor of the Exchequer has shown himself rather lax. Now, the laxness of a Chancellor of the Exchequer is, in my mind, equivalent to a crime. However leniently the House may be disposed to view these transactions there is a public opinion out-of-doors which will be anything but satisfied with the result of this debate.

MR. GLADSTONE: The time has, I know, arrived for a division; but I cannot refrain from saying a few words. My hon. Friend who has just sat down observed with lamentation the absence of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), but while he bewails that want he does all that in him lies to supply it. What I will endeavour to do, as far as time permits, is to refer to the mode of argument of my hon. Friend. One thing, however, I should do, lest I should forget it, and that is to join in the tribute which has been deservedly paid to the judicial conduct and language of the Committee of Public Accounts and of the Chairman of that Committee (Mr. Slater-Booth). The constitution and efficiency of that Committee are of the greatest consequence to the welfare of the State, and I rejoice to think that we can have a party man and ex-official acting as Chair-

man of that Committee, and yet we can have Reports proceeding from it the impartiality and ability of which is recognized by the whole of the House. I assure my hon. Friend behind me that I entirely concur with him in every word he has said with respect to the gravity of the matter in issue. I would not wish to take from it in the slightest degree, and I also agree with him that in the last days of July we do not discuss these matters with that energy and vigour with which we should have approached them in February or March. But let me direct the attention of the House for a moment to the course recommended by my hon. Friend. He lays the whole blame on the Treasury. He says to my right hon. Friend the Chancellor of the Exchequer—"Thou art the man." [Mr. OSBORNE: I did not.] He is going to vote for the Motion of the hon. Member for South-west Lancashire; but does that Motion say to my right hon. Friend "Thou art the man?" The Motion of the hon. Gentleman (Mr. Cross) is drawn up with great clearness and force; but in the first part the disapproval of the House is aimed exclusively at the Post Office. When the Motion refers to the Treasury the language is mild and supplementary, and yet my hon. Friend behind me records his vote for that Motion which pays no respect to his opinion. That is not the only flaw in the argument of my hon. Friend, and I will now state what I regard as a serious objection to the Motion of the hon. Member for South-west Lancashire. Speaking generally, I should say I prefer the Motion of my hon. Friend the Member for Maidstone (Sir John Lubbock), because I think it is more entirely in accordance with the spirit of the Report of the Committee of Public Accounts. At the same time, I make no complaint against the Motion of the hon. Gentleman opposite. But when I come to examine the terms of that Motion I find an objection arise which is certainly not weakened, but strengthened, when I interpret the Motion by the light of the speech of the hon. Gentleman. The hon. Gentleman has censured—and very naturally, from his point of view—the conduct of the Postmaster General, but he does not confine his Motion to the conduct of the Postmaster General. He extends it to the entire Department, and both in the interpretation of the

terms of the Motion and in the speech of the hon. Gentleman I read a strong censure on Mr. Scudamore. To censure the Post Office is not the phrase that a man would adopt if he meant to pass a censure upon the Postmaster General exclusively; and the attack upon the Post Office distinctly includes an attack upon Mr. Scudamore. Now, Mr. Scudamore is a very proper subject for animadversion, if he has done wrong, in the Report of the Committee, but he is not a fit subject for the censure of this House. It is the political officers of this House who stand between the permanent officers and its censure. Mr. Scudamore has committed a great error, but that great error is, in my judgment, balanced by still greater services; and upon the merits of this case, I refuse to censure Mr. Scudamore. What I stand upon with those who are not so well aware as myself of the great services of Mr. Scudamore is that we should do wrong to adopt a Motion which does not confine the sweep of its censure to political officers, but includes within it these important permanent servants of the Post Office. The hon. Member for Waterford (Mr. Osborne) is going to vote for a Motion which does not censure the Treasury, which he wishes to censure, but he is going to vote for a Motion which does censure Mr. Scudamore—[“No, no!”]—whom he wishes not to censure. It is not necessary for me, after what has fallen from my right hon. Friends, to enter upon their case. Their acts have been presented and have been fairly and manfully accepted by the House in that spirit of candour and kindness with which the House, whether in February or July, invariably approaches a question of this kind. The House would do better to adopt the Resolution of the hon. Member for Maidstone (Sir John Lubbock), which is in exact accordance with the Report of the Committee of Public Accounts, instead of the Motion of the hon. Member for South-west Lancashire, which goes beyond it. The House is bound to take the utmost care that the phraseology of a Motion should be such as to avoid the cardinal error of treating the permanent servants of the Post Office as proper objects of Parliamentary censure.

MR. ASSHETON CROSS merely wished to say that he used the words “Post Office” as meaning the Parlia-

mentary Representatives of the Post Office, just as in using the word “Treasury” he had meant the Parliamentary Representatives of the Treasury.

Question put.

The House divided:—Ayes 111; Noes 161: Majority 50.

Words added.

Main Question, as amended, put, and agreed to.

*Resolved*, That this House regrets to find, from the Reports of the Committee of Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purposes of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding.

#### AYES.

Amphlett, R. P.	Hamilton, Lord C. J.
Anderson, G.	Hamilton, Lord G.
Arbuthnot, Major G.	Hamilton, I. T.
Arkwright, A. P.	Hardy, J. S.
Arkwright, B.	Hay, Sir J. C. D.
Aytoun, R. S.	Henley, rt. hon. J. W.
Baggallay, Sir R.	Hermon, E.
Balfour, Sir G.	Heygate, Sir F. W.
Barrington, Viscount	Heygate, W. U.
Barttelot, Colonel	Hodgson, W. N.
Bates, E.	Holms, J.
Bathurst, A. A.	Holt, J. M.
Beach, Sir M. H.	Hood, Captain hon. A.
Bentinck, G. C.	W. A. N.
Birley, H.	Hornby, E. K.
Bourke, hon. R.	Hunt, rt. hon. G. W.
Bourne, Colonel	Jackson, R. W.
Bouverie, rt. hon. E. P.	Knight, F. W.
Callan, P.	Laird, J.
Cameron, D.	Langton, W. G.
Candlish, J.	Laslett, W.
Cartwright, F.	Leatham, E. A.
Chadwick, D.	Lennox, Lord G. G.
Cobbett, J. M.	Leslie, J.
Corry, hon. H. W. L.	Lewis, C. E.
Denison, C. B.	Liddell, hon. H. G.
Dickson, Major A. G.	Macfie, R. A.
Dimsdale, R.	M'Laren, D.
Eaton, H. W.	Mahon, Viscount
Egerton, hon. A. F.	Mallor, T. W.
Elphinstone, Sir J. D. H.	Meyrick, T.
Fawcett, H.	Miller, J.
Feilden, H. M.	Mills, Sir C. H.
Fielden, J.	Monckton, hon. G.
Figgins, J.	Monk, C. J.
Fowler, R. N.	Morgan, C. O.
Garnier, J. C.	Mowbray, rt. hon. J. R.
Gilpin, Colonel	Newdegate, C. N.
Goldney, G.	Newry, Viscount
Gordon, E. S.	Parker, Lt.-Col. W.
Gore, J. R. O.	Peek, H. W.
Gray, Colonel	Pemberton, E. L.
Gregory, G. B.	Phipps, C. P.
Hambro, C.	Plunket, hon. D. R.
Hamilton, Lord C.	Powell, F. S.

Raikes, H. C.	Tomline, G.	Massey, rt. hon. W. N.	St. Aubyn, Sir J.
Round, J.	Torr, J.	Matheson, A.	Samuelson, H. B.
Samuda, J. D'A.	Turner, C.	Melly, G.	Seely, C. (Lincoln)
Sandon, Viscount	Walpole, rt. hon. S. H.	Miller, W.	Sheridan, H. B.
Sclater-Booth, G.	Waterhouse, S.	Milchell, T. A.	Stansfeld, rt. hon. J.
Scott, Lord H. J. M. D.	Wells, E.	Morgan, G. O.	Stapleton, J.
Scourfield, J. H.	Wheelhouse, W. S. J.	Morley, S.	Stevenson, J. C.
Smith, A.	Wyndham, hon. P.	Mundella, A. J.	Storks, rt. hon. Sir H. K.
Somerset, Lord H. R. C.	Yarmouth, Earl of	O'Conor, D. M.	Stuart, hon. H. W. V.
Straight, D.		O'Donoghue, The	Torreens, W. T. M'C.
Talbot, J. G.		Ogilvy, Sir J.	Tracy, hon. C. R. D.
Taylor, rt. hon. Col.	TELLERS.	O'Reilly-Dease, M.	Hanbury-
Tollemache, Maj. W. F.	Cross, R. A.	Otway, A. J.	Walter, J.
	Osborne, R.	Palmer, J. H.	Wedderburn, Sir D.

## NOES.

Amcotts, Col. W. C.	Fitzmaurice, Lord E.	Peel, A. W.	West, H. W.
Ayrton, rt. hon. A. S.	Fitzmaurice, hon. C.	Pender, J.	Whithbread, S.
Backhouse, E.	W. W.	Philips, B. N.	Whitwell, J.
Baker, R. B. W.	Fletcher, I.	Pim, J.	Williams, W.
Bass, M. T.	Foljambe, F. J. S.	Portman, hon. W. H. B.	Wingfield, Sir C.
Bassett, F.	Forster, C.	Potter, T. B.	Winterbotham, H. S. P.
Baxter, rt. hon. W. E.	Forster, rt. hon. W. E.	Power, J. T.	Young, A. W.
Bazley, Sir T.	Fortescue, rt. hon. C. P.	Rathbone, W.	Young, rt. hon. G.
Beaumont, W. B.	Gilpin, C.	Reed, C.	
Beaumont, Major F.	Gladstone, rt. hon. W. E.	Richard, H.	TELLERS.
Bentall, E. H.	Gladstone, W. H.	Rothschild, N. M. de	Adam, W. P.
Biddulph, M.	Goldsmid, Sir F.	Russell, Lord A.	Greville, hon. Captain
Bolckow, H. W. F.	Goldsmid, J.	Rylands, P.	
Bonham-Carter, J.	Goschen, rt. hon. G. J.		
Bowring, E. A.	Gourley, E. T.		
Brassey, T.	Gower, Lord R.		
Brewer, Dr.	Graham, W.		
Bristowe, S. B.	Grieve, J. J.		
Brooklehurst, W. C.	Grove, T. F.		
Brown, A. H.	Hartington, Marq. of		
Browne, G. E.	Henderson, J.		
Bruce, Lord C.	Henley, Lord		
Bruce, rt. hon. H. A.	Hibbert, J. T.		
Buckley, N.	Hodgkinson, G.		
Bury, Viscount	Hodgson, K. D.		
Butt, I.	Holland, S.		
Cadogan, hon. F. W.	Hoskyns, C. Wren-		
Campbell - Bannerman,	Howard, J.		
H.	Hughes, T.		
Cardwell, rt. hon. E.	Hughes, W. B.		
Carington, hn. Col. W.	Hurst, R. H.		
Cartwright, W. C.	Illingworth, A.		
Cave, T.	Jardine, R.		
Cavendish, Lord F. C.	Jessel, Sir G.		
Childers, right hon. H.	Johnston, A.		
Cogan, rt. hon. W. H. F.	Kensington, Lord		
Coleridge, Sir J. D.	King, hon. P. J. L.		
Corrigan, Sir D.	Kingscote, Colonel		
Cowen, Sir J.	Kinnaird, hon. A. F.		
Cowper-Temple, right	Knatchbull-Hugessen,		
hon. W.	right hon. E.		
Craufurd, E. H. J.	Lancaster, J.		
Crawford, R. W.	Lawrence, Sir J. C.		
Dalrymple, D.	Lawrence, W.		
D'Arcy, M. P.	Lea, T.		
Davies, R.	Leemant, G.		
Delahunty, J.	Lefevre, G. J. S.		
Dickinson, S. S.	Leith, J. F.		
Dixon, G.	Lewis, H.		
Dodds, J.	Locke, J.		
Downing, M'C.	Lowe, rt. hon. R.		
Duff, M. E. G.	Lubbock, Sir J.		
Edwards, H.	Lusk, A.		
Egerton, Admiral hn. F.	Mackintosh, E. W.		
Enfield, Viscount	M'Clure, T.		
Eykyn, R.	M'Lagan, P.		
FitzGerald, right hon.	Magniac, C.		
Lord O. A.	Martin, P. W.		

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

## SUPPLY—CIVIL SERVICE ESTIMATES.

## REPORT.

## CUSTOM HOUSE CLERKS AT THE OUTPORTS.

Resolutions [July 28] reported.

Motion made, and Question proposed, "That the said Resolutions be now read a second time."

Viscount SANDON rose to call attention to the difference of position of the Custom House Clerks at the Outports as compared to that of the Custom House Clerks in London with respect to the date of the increase of their salaries, promised in the Treasury Minute of November 28, 1868, and promulgated in the Minute of the Board of Customs of December 8, 1868. The noble Lord said, the question was one which he had felt great hesitation in touching, as he thought it, as a general rule, undesirable that the House of Commons should interfere between the Government and the members of the Civil Service, or that Members should bring before the House cases like the present, in which they might be supposed to be personally interested, owing to their constituents being

affected; but being convinced that a wrong had been committed, and having tried all means of securing an impartial consideration of the subject, he felt bound to put aside his personal feeling in the matter, and to ask the House to express an opinion on the subject. The case was first brought under his notice last autumn, and he had tried in every possible way to induce the Government to reconsider the decision they had come to on the matter. They were first approached by means of a deputation, but that met with no substantial result. He then, in concert with others, put a Question to the Chancellor of the Exchequer entreating the right hon. Gentleman to re-consider his decision on the subject; but he refused to do so on the ground that he would thus

"establish a precedent that whenever an improvement was made in an office, the Government would be bound to pay persons in the office from the time they first conceived the idea of making that improvement;"

whereas they based their case on an announcement of a Treasury Minute, promulgated officially by the Board of Customs. This answer was so unsatisfactory and so much put aside the real point at issue that he felt still more bound to prosecute the question. He had suggested to the Government that they should appoint a Committee next year to go into the grievances of the Custom House clerks at the outports; but the Government had seen fit to refuse to give any pledge. Under these circumstances, believing that these clerks had a real and genuine grievance, he felt that he had no other resort, except to bring the subject under the consideration of the House. He had no wish to attack the Chancellor of the Exchequer, for they had cause to be thankful to him for watching over the public purse; but in many cases the vices of mankind were merely the corruptions of their virtues; and he feared that the Chancellor of the Exchequer sometimes pushed his regard for the public purse too far. In the year 1868 the Custom House officers, as a body, petitioned the Treasury for a revision of their salaries, and a Treasury Commission was thereupon appointed, which made its Report in 1868. Upon that Report was founded a Treasury Minute, dated November 28, 1868. This Treasury Minute was promulgated by the Board of Customs on December 8, 1868, and announced that

the Lords of the Treasury desired the Board "to make known to the officers concerned" the decisions at which they had arrived. It stated that their Lordships had recommended certain improvements and advantages with regard to the London clerks, and the Minute summed up to the effect that—

"The Lords of the Treasury have also desired the Board to submit a scheme for extending to the clerks at the outports the principles adopted by their Lordships in dealing with the clerks in London."

He could imagine nothing more distinct as an official promise than that Minute. That was how the matter stood at the end of the year 1868. In December, 1868, a change of Ministry took place. At that moment men of distinguished ability came on the Treasury Bench for the first time, many of them being profoundly impressed with the folly and ignorance of the party which preceded them; and also profoundly impressed with a conviction of their own superior wisdom and general qualifications. But what did they do? In the heyday of their enthusiasm they suspended the Treasury Minute altogether, supposing, he imagined, that their predecessors had unduly raised the salaries of the clerks, and a year passed during which consideration was accorded to the scheme of their predecessors. When their decision was announced it was found that they had increased, instead of diminished the proposed increase of salary of the London clerks, but unfortunately the year had not sufficed for going into the case of the outport clerks, who were thus again put off, after the Treasury Minute of November 28, 1868, had recognized the insufficiency of their pay, of which they complained in 1866, and after this Minute had been promulgated to them by the Board of Customs in December, 1868. After a time the Government agreed to ante-date the time of the commencement of the higher rate of pay to the London clerks from the date of the promulgation of the Treasury Minute of November 28, 1868. In 1872 a new classification was issued for the outport clerks, raising the scale of their pay; but when it came to the question of paying up the arrears in the way in which the arrears due to the London clerks had been paid up, the economical spirit of the Government stepped in, and they said—"No, you

are not to have the arrears in the same way as your London brethren had them, because the full details of the increase of the London clerks were mentioned in the Minute, and yours were only directed to be made following the scheme adopted for them." He was not asking the House to consider whether the two Boards of the Treasury were right or wrong in saying that there should be an increase in the salaries, neither was he asking them to settle whether the Liberal Treasury had been right in paying up the arrears of the London clerks. He quite acknowledged that it was an open question whether the Treasury was bound to date the increase of pay from the date of the Minute of 1868, and not from the later date when they came to their final decision about it; but he contended that a distinct pledge was given that the same principles would be adopted with regard to those engaged at the outports as were adopted in dealing with the London clerks; and he would remind them that a distinct pledge was also given in that House that no one should suffer by the suspension of the Minute. He asserted that the question was simply one of even-handed justice between the London and the outport clerks, and he hoped the House would express an opinion whether, when once the arrears of pay, whether rightly or wrongly, had been given to the London clerks, the Treasury was not bound, considering the promise of their own Minute of 1868, promulgated to every Custom House clerk, to pay the arrears in like manner to the outport clerks. It might be said—"It is wrong to bring a case of this kind before the House. You should put all your trust in the Executive of the day, and especially put your trust in the Treasury." But, without any want of respect to the Treasury, or those who held office in it, he would ask the House whether the conduct of the Treasury of late had been such as to give the country general confidence in its management of these matters? He had watched the evidence that was given before the Committee with reference to the Civil Service Writers, and that certainly seemed to point the other way. ["Order!"] Well, not being allowed to refer to the evidence of a Committee that had not reported, he might cite the case of the Zanzibar Contract Com-

mittee. Surely the state of things thereby, and in many other ways lately, disclosed, afforded abundant justification for not placing implicit confidence in the Treasury; for it was extremely difficult to know who was the Treasury. Was it the Chancellor, was it a Lord of the Treasury, was it the Financial Secretary, was it the permanent head of a Department? Recent inquiries had shown how little concert there was in the Treasury. If it were merely the Chancellor of the Exchequer, we might have confidence in him; but it was extremely difficult to find out who it was in the Treasury that we were to look to. This was not a small matter, but a matter affecting the well-being of a large service throughout the country. We did not deal with our Civil servants in a perfectly just and liberal way. Civil servants in foreign countries were very far below the Civil servants in England in point of honesty and uprightness. The character of our Civil servants had been high; but, if in pursuance of a false economy, the dictates of equity and justice were put aside, a feeling would grow up which must have the effect of driving the best men from the service, and the consequence would be to inflict on the country a much more serious loss than could be sustained by paying them their just claims. He was quite aware that in bringing forward a case of this kind he ran a risk of being accused of talking for his constituents, but he entirely repudiated any such idea, and he felt quite sure that the House would acquit him of any such object. But if Members for the outports declined to bring forward grievances like this which affected the outports alone, who was to do it? He had tried in every way to get the matter considered without troubling the House with it; but now, to secure that the subject should be settled on its own merits, which was his only wish, he thought the best way of settling the question would be to refer it at the beginning of next Session to the judgment of an impartial Committee of that House, from which Representatives of the outports should be excluded. He left the matter now with perfect confidence to the independent judgment of the House of Commons.

MR. WHEELHOUSE said, this question was one of considerable interest, affecting as it did the rights of a large

number of Civil servants. It was a question that seriously concerned the clerks of the outports and also the Government clerks in several other Civil Service Departments. The clerks in the Custom House had been promised and had received an increase of pay; but there was another class of clerks for whom he was concerned—namely, those doing duty in bonding warehouses, and such places in the several large towns in the provinces—take Leeds for instance—who performed equally important duties, and who were equally entitled to consideration. He did not see any distinction between them. The duties of the one class were equally as important as those of the other, and if there were any distinction it ought to be pointed out. The clerks of the port of London went in for an increase of pay, which was promised, and subsequently given to them, and they also sought to obtain the back pay; but the clerks in the Inland Revenue Department, whose duties were quite as important, and who knew and discharged those duties equally well, had not yet had their claims recognized. They only desired to be treated as the clerks of London had been treated. They considered that they were entitled to receive an increment of salary; and he submitted that whatever applied to the outports in an arrangement for an increase of salaries applied in an equally forcible manner to the case of clerks employed in and discharging the duties of their situations in the Inland Revenue Department. He knew of no distinction between them, the one discharging their duties in as efficient a manner as the other. The simple truth was, that efficient services must be paid for, and it was most unwise economy to starve servants—especially public servants—upon salaries with which they could only remain dissatisfied and discontented. He (Mr. Wheelhouse) knew sufficient of daily life to feel that such a course was nothing but a direct temptation to be careless of duty, and, he feared, often, even to direct fraud.

MR. GRIEVE presumed that, although the noble Lord had made no Motion, unless the Chancellor of the Exchequer gave a satisfactory answer on that subject, it would be competent for them to take a division on the Report of Supply.

MR. MACFIE said, he should offer no apology for taking part in this

debate, and he regretted very much that no division could take place upon it. In the port he represented there were a large number of Custom House clerks, who had shown themselves extremely patient and well-conducted under the grievances they suffered. He could not help thinking that their claims had been shamefully neglected by the Government; and he hoped that now the matter had been brought before the House the Government would take immediate measures to do them justice, and thus prevent a feeling of sorness and discontent becoming rife among them.

MR. R. N. FOWLER said, it was a great hardship that while the Government conceded the claims of the gentlemen in London they did not take the same liberal course with regard to the outports. He hoped that Her Majesty's Government would early in the next Session take the case into their consideration; and, if they failed to do so, then he hoped the question would be referred to a Select Committee.

MR. ANDERSON said, he could not help expressing his regret that the noble Lord did not conclude with a Motion, because anything in the form of a debate in that House which could not be tested by a division was extremely unsatisfactory. He was one of a deputation who waited on the Chancellor of the Exchequer on this subject in order to represent the claims of the outport clerks to the arrears of the increase of their salary, and although he could not say that he was surprised—because he was not surprised at anything which the Chancellor of the Exchequer could say or do—he felt hurt at the peremptory manner in which he refused to interfere, without giving the slightest reason for so doing; or rather, the only reason was that it was a mistake to allow the arrears to the London clerks. [The CHANCELLOR OF THE EXCHEQUER: No, no!] He certainly understood that to be the tenor of the reply of the right hon. Gentleman. He said it was a mistake to give it to the London clerks. He did not complain of economy, but he did of inequality, and was of opinion that if it were given to one it ought to be given to all. They might obtain equality by levelling up or levelling down; but, at all events, there should be equality. He thought this demand

a perfectly justifiable one, and it was one which ought to be brought to an issue. If therefore the noble Lord should bring a Motion forward on the subject next Session, he would certainly vote for it, being of opinion that the matter was one requiring the urgent attention of the Government.

MR. CRAUFURD also thought this was a question on which the sense of the House ought to be taken. The House could not move an Amendment on the Report of Supply, but it was competent for the House to consider the Report of Supply a second time, unless Her Majesty's Government gave a satisfactory assurance that the clerks in the outports should have the same benefits extended to them that had been granted to the clerks of the port of London. He was one of a deputation that waited on the Chancellor of the Exchequer, and when he expressed his astonishment that a refusal had been given to the clerks at the outports on a mere question of justice, what was the answer? Why, that if they (the Government) were to concede the application, they would be setting up a precedent. As a matter of justice, a pledge should be obtained from the Government to give an increase of salary to the outport clerks. If the Government declined to do so, they would be "penny wise and pound foolish," for men underpaid could not be expected to work as men would when properly remunerated.

MR. PIM concurred in what had fallen from other speakers, and reminded the Government that it only required a sum of about £5,000 to render justice to the whole of this class of Civil servants. He hoped that the Government, if they did not make any promise now, would at least take action during the Recess, and prevent the necessity for bringing the subject before the House again. These discussions about Civil servants were not only unpleasant, but also injurious to the public service.

MR. BAXTER concurred in the last observation that had fallen from the hon. Member who had just sat down. There was a time when the House of Commons was regarded as the guardian of the public purse, and when the province of the Representatives of the people was to come down and check profuse expenditure. Now, the state of things

was altogether different, and the present Government had every week during the present Session to defend itself against the continual attacks made upon the public purse. It would be probably necessary to change the Standing Orders; because it was intolerable, when the Government attempted to do their duty by keeping down expenditure, that they should be assailed by all parties in the House, and urged to act in such a way as must add to the public burdens. Both his right hon. Friend now at the head of the Local Government Board and himself had paid a great deal of attention to this question of Custom House clerks, and a great change for the better had been made in their position. A Return with regard to the principal ports of the kingdom, exclusive of London and Liverpool, showed that from the 1st of January 1858, up to 1872, or in a period of 15 years, the salaries had been increased 44½ per cent. When hon. Members talked of the increased cost of living, he asked whether in any commercial or manufacturing establishment the salaries had been increased to anything like that extent? They found that there were, as in all Government establishments, too many clerks, and that, in many instances, the salary was too small. Large reductions were made in the number of clerks in London, and the salaries raised; and he expected that his right hon. Friend and himself would have received the thanks of the gentlemen who participated in the results of those labours. But no sooner were their salaries augmented than they raised the question of back pay. ["Hear, hear!"] The hon. Member for Leeds (Mr. Wheelhouse) cheered that statement, as if there was a case made out; but the hon. Member did not appear to have read the Papers relating to the subject. In 1868, after some Memorials had been addressed to the Treasury from the clerks in the Customs, the Government then in office determined to inquire into the case of the clerks in the port of London. A certain revision was made, which it was intended should be subject to the approval of Parliament, and that revision, it was intended, should come into operation on the 1st of April, 1868. The Government, however, went out of office and the present Government, on succeeding, determined still further to reduce the number of the clerks, and

they therefore suspended the arrangement which had been made. A new revision was made, and the Government thought that as the clerks of the port of London had been promised an increase of salary by the former Government, their new scale ought to commence, as originally contemplated, from the first of April, 1869; but in the case of the clerks in the outports, no such engagement had been entered into, and, consequently, the Government did not think that their salaries ought to be increased from the same date. His contention was that the increase of salary should date from the time that increase was fixed on; and, that being so, there was no reason why the clerks in the outports should receive their additional pay from any date earlier than that on which they had received it.

MR. HUNT agreed that they should not have these discussions on the Civil Service night after night; but that was not so much the fault of the House of Commons, or of the Civil servants, as of those who superintended the Civil Service. The Civil servants of the Crown were compelled to appeal to independent Members of the House against the decisions of their superiors in office. The question of revising the salaries of Custom House officers with a view to their increase was taken in hand by the Government of which he was a Member in 1867, and a small Commission was appointed to inquire into the whole matter. The Commission recommended a scheme in which the salaries of the London and outport officers were to be similarly dealt with; but the Government which succeeded them regarded the course as extravagant and suspended the carrying out of the Minute for two years. If the original scheme had been acted upon, the clerks in the Port of London would have been paid on the revised list from the financial year of 1869, and the outport clerks from the commencement of the financial year of 1870. This struck him as being a perfectly equitable proposal, and he thought the case would be met if the increased pay of the outport clerks were to date from the time at which it would have commenced, if the instructions contained in the original Minute had been carried out. The Government had not acted in this matter as private employers had been compelled to do in consequence of the increased

cost of living in late years; nor had they on this question of date of increase acted consistently with their own conduct in other similar matters, as was shown by the course they had taken only on the previous day in regard to the pay of the constabulary in the City of Dublin. He thought that in this case the Government were penny wise and pound foolish. Their policy was to refuse these applications as long as they possibly could, and the consequence was that at last such pressure was brought to bear upon them, that they had to give way to a far greater extent than if they had yielded with a good grace at first.

SIR DOMINIC CORRIGAN maintained that the question before the House was not whether the pay of the Custom House clerks had been largely increased of late years, but whether the same measure of justice was to be meted out to the London clerks and the clerks at the outports. When a deputation of Members of Parliament recently waited on the Chancellor of the Exchequer in connection with this subject, the latter distinctly stated that the Government would not entertain the case of the outport clerks, because a mistake had been made in the case of the London clerks. The course of the Government was in this case one that any private man of business would be ashamed of.

DR. BREWER denied that the Custom House clerks at the outports were not grateful for what had been done for them; but they could not consider there was anything irregular in asking that the increase in their salaries should date from the same time as that of the clerks connected with the port of London.

VISCOUNT SANDON said, that having been informed by the highest authority at the Table of the House that he could not properly divide the House, as a matter of form, at this stage of business, he had informed the Government at the Morning Sitting that he should not divide this evening, but should only wish to get a discussion of the question, so that the Government might be induced to re-consider it. As a matter of personal honour he could not divide. He appealed, therefore, to the hon. Member for the Ayr Burghs (Mr. Craufurd) not to press for a division, as it would not

be fair thus to steal a march upon the Government.

MR. CRAUFURD said, the answer of the Government was so entirely unsatisfactory that he should feel it his duty to divide the House on the question of agreeing to the Report of Supply, in order to mark his disapproval of the conduct of the Government.

MR. RYLANDS protested strongly against taking a snap division. There was a strong feeling out-of-doors in favour of economy; but when the Government were seeking, as far as they could, to promote economy, a number of private Members came down to that House, night after night, to press upon them expenditure which the Government themselves thought to be unnecessary. This question was one entirely for the Government; and when it was considered that in connection with these salaries there was an increasing amount of pensions every year, it was a mistake to say that the Government were paying lower than the market price for labour.

MR. SCOURFIELD said, the sum was not worth talking of, and it was ridiculous for Government to complain that hon. Members were forcing them to this expenditure, when during the whole of the morning they were complaining of their hands being tied up in respect to the expenditure of millions.

MR. CRUM-EWING maintained that this was a simple question of justice, it being unfair and unjust to place the clerks of the outports on a different footing in regard to back pay to that of the London clerks.

MR. BOWRING said, the Custom House clerks in his constituency asked, and with reason, to be put in the same position with respect to back pay as the clerks in the port of London. He would venture to suggest that the Motion should be that the Report be considered to-morrow.

COLONEL HOGG said, he hoped the Government would grant a Committee of Inquiry into the subject. In London there had been an increase of salary and the back pay; and it seemed to him that other officers with equivalent duties had a right to ask that their claims should, at all events, be considered, say at the early part of the next Session. He moved that the debate be now adjourned.

*Moved*, "That the Debate be now adjourned."—(Colonel Hogg.)

MR. CANDLISH said, the adjournment of the debate could not lead to an inquiry in the present Session. It would have no other effect than protracting the Session. Whatever could be done practically could be done next Session; nothing practical could be done now. The Government had fairly entered into an examination of this question. ["No, no!"]

MR. LIDDELL said, he thought the House was entering into a factious opposition; but the House was shut out from dividing on the question that night by the Rules of the House.

COLONEL HOGG rose to Order.

MR. SPEAKER ruled that the hon. Gentleman (Mr. Liddell) was not out of Order.

MR. LIDDELL said, that hon. Gentlemen wanted to carry their opinions into effect; but they could not accomplish that object by a division. He believed that the proper course would be to move next Session for the appointment of a Select Committee to inquire into the subject. These gentlemen, whose case had been so ably advocated, had in their minds an idea that there had been a breach of faith, and that ought, if possible, to be removed. It was mischievous to the interest of the public service to allow a feeling of injustice to continue in the minds of those who served the Government.

MR. SPENCER WALPOLE admitted the inconvenience that would result from a prolongation of this discussion at the present period of the Session, but pointed out that a single sentence from a Member of Her Majesty's Government, promising either to take the case of these clerks into their consideration, or to assent to the appointment of a Committee at the commencement of next Session to investigate their alleged grievances, would at once put an end to the debate. In his opinion, the Government were committing the same error they had fallen into yesterday, when, after they had resisted every reasonable representation which had been made to them to put the constabulary of Dublin on the same footing as regarded pay as the constabulary of England occupied, the Chief Secretary for Ireland came down to the House the moment after a division on

the subject had been taken, and stated that the Government were prepared to consider the question. He hoped that the Government would put a stop to the discussion by promising to consider the subject.

MR. WHITWELL observed, that a Committee was granted to examine into the grievances of the Civil Service Writers. All that was asked of the Government was a promise that this matter should be referred to a Departmental Committee, or to a Committee of that House next Session, and he trusted that the Chancellor of the Exchequer would intimate the adoption of one course or the other.

MR. HUNT expressed his great disappointment that no Member of the Government had risen to state that they were prepared to consider the matter. [Loud cheers.] It was unfortunate that the Government refused to be guided by the expression of opinion which had been uttered from all parts of the House. [Cheers.] Sometimes sleeping a night over a question induced a change of opinion, and if the Government persisted in refusing to adopt the view of the House, perhaps it would be better that the debate should be adjourned. He thought that that would be a mild and indulgent mode of intimating to the Government the feeling of the House on the subject. He confessed, however, that he had still hope that the Government would relent.

MR. BUTT said, he should support the Motion for adjournment, for he thought the prolongation of the Session was a small matter when there was a question of injustice to be dealt with.

Question put, and agreed to.

Debate adjourned till To-morrow.

#### TELEGRAPHS BILL.—[BILL 262.]

(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

#### COMMITTEE.

Order for Committee read.

MR. SCLATER-BOOTH complained that the form in which this Bill had been drawn was different to that in which other Bills of the same kind had been prepared, and he said he was the more anxious about this, because it was

partly in consequence of the form in which previous Telegraph Bills had been presented to the House that there had been such confusion in the accounts of the Post Office. He did not see any reason why the Government should depart from the established mode of proceeding, which required that money for these purposes should be paid into the Consolidated Fund, subject to the check of the Exchequer audit. He doubted whether the right hon. Gentleman had considered the memorandum which the Auditor General had submitted to the Committee. The precedent of the Military Forces Localization Bill of last Session had been referred to as a precedent, but he saw no reason why, if the Secretary of State for War had a mind to commit the same irregularities as had been committed in the Post Office, it would not be possible for him to do so under the provisions of that Act.

THE CHANCELLOR OF THE EXCHEQUER said, the Government had considered this matter very carefully, and, after taking advice, had devised this scheme of having the money paid over to the Paymaster General. He was not strongly of opinion that that was the best course to adopt; but he did not think the proposal of the hon. Member for North Hants would meet the difficulty.

MR. BOUVERIE concurred in the remarks of the hon. Member opposite, and hoped the right hon. Gentleman would adopt the ordinary practice of having the money paid in to the Consolidated Fund, in connection with which there was always an officer to see that the money issued was applied to the purposes for which it was appropriated, and no loophole was left for such proceedings as those which the House had been engaged in discussing that afternoon.

MR. PLUNKET said, that from a remarkable Return it appeared that £20,406 was due and owing as part of payments to railway companies, and also an item of £87,200 as part of a larger sum of £1,250,000. He should like to hear some explanation of these matters.

MR. GOLDSMID asked for an explanation of the item of £230,000 for commutation of pensions.

THE CHANCELLOR OF THE EXCHEQUER said, that the railway claims were omitted from this Bill, and would form the subject of another measure. It would not be right to include them here, because the Government did not know the amount, and it would not be advisable to guess, because then they might prejudice the case when it came before the arbitrator. The commutation of pensions, amounting to £230,000, related to the persons formerly employed in the different telegraph offices, who had received pensions and were displaced by the Government taking charge of the telegraphs.

MR. HUNT said, that as there had been laxity on the part of the Treasury in recent transactions, the House would like to be informed what shape the regulations would assume.

*Bill considered in Committee.*

(In the Committee.)

Clauses 1 to 3 *agreed to.*

Clause 4 (Mode of issuing moneys raised).

In reply to Mr. DENISON,

THE CHANCELLOR OF THE EXCHEQUER stated that up to the end of September extensions would be paid for by loans, and after that time out of revenue.

MR. BOUVERIE moved to omit the words "Paymaster General," in order to raise the question as to whether certain moneys should be paid into the hands of the Paymaster General or to the Commissioners for the Reduction of the National Debt. In all Acts of this kind for raising funds it was provided that all moneys should go into the Consolidated Fund, to be subject to the general order of the Treasury, and he did not think that this principle should be departed from in the present instance.

MR. SCLATER-BOOTH approved, under all the circumstances, of the introduction of the Paymaster General. All cheques on this loan should be drawn in favour of those who were to receive the money, and not in favour of the Postmaster General.

THE CHANCELLOR OF THE EXCHEQUER said, it was true that these Acts all went upon the principle to which the right hon. Gentleman referred; but the departure from that principle in the present instance had reference only to a small sum. He thought it better that

it should be taken out of the hands of the Commissioners of the National Debt and placed in the hands of the Paymaster General.

MR. BOUVERIE said, he would not press his proposal to a division; but he must enter his protest against these departures from the constitutional practice.

MR. LIDDELL supported the view taken of the matter by the right hon. Member for Kilmarnock.

Amendment, by leave, withdrawn.

Clause *agreed to.*

In reply to Mr. GOLDSMID,

THE CHANCELLOR OF THE EXCHEQUER stated that a great many of the persons employed by the Telegraph companies were now employed by the Post Office, but great economy of labour had been effected.

*Remaining clause agreed to.*

Bill *reported;* as amended, to be considered *To-morrow.*

#### RAILWAY REGULATION BILL.

(*Mr. Chichester Fortescue, Mr. Arthur Peel.*)

[BILL 23.] COMMITTEE.

*Bill considered in Committee.*

(In the Committee.)

MR. DENISON considered it was to the interests of railway companies to do all in their power to prevent railway accidents, and thought a great deal too much pressure was put upon them.

MR. HINDE PALMER said, he did not notice that the "block system" was mentioned in the Bill, and considered it advisable that that system should be adopted as far as possible by railway companies.

MR. GOLDSMID was understood to say that of 31,000,000 passengers who travelled last year only one had been killed. He thought the constant pressure on railway companies ought to cease. He was enabled to state that the "block system," on the recommendation of Captain Tyler, was now very extensively introduced.

MR. DODSON asked the hon. Gentleman who had just addressed the Committee, from what source he obtained his returns of the statistics of the deaths that occurred owing to railway accidents —whether from the railway companies or from the Registrar General?

MR. GOLDSMID said, he had mentioned in that House on a former occasion that he had received his returns from the Board of Trade.

MR. DODSON said, that he had found, from the Registrar General's Report a year or two ago, that the deaths caused by railway accidents were many times greater than those given in the returns of the railway companies.

MR. A. PEEL explained that the Board of Trade took all necessary care to obtain returns of railway accidents, deaths, and injuries.

MR. ANDERSON called attention to a system in operation on railways in America, which was found to work admirably—namely, the passing of a very long rope through the carriages, the pulling of which rope, when anything wrong occurred, caused a large bell at the head of the train to ring, and thus give an alarm.

MR. MILLER said, there were very many more people injured, and many more deaths caused by railway accidents, than the returns indicated.

*Bill reported; as amended, to be considered To-morrow.*

#### EXPIRING LAWS CONTINUANCE BILL.

[BILL 261.]

(*Mr. Baxter, Mr. William Henry Gladstone.*)  
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Baxter.*)

MR. BUTT moved that the House resolve itself into Committee on that day month. This was a new system of legislation which had sprung up of recent years, to re-enact important laws in a Continuance Act at the end of the Session. Only one of the Acts which this Bill proposed to re-enact expired before the next Session. The Bill proposed to re-enact the Unlawful Societies (Ireland) Act, a coercive measure of great stringency, and the Elections Petitions Act for two years.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day month, resolve itself into the said Committee,"—(*Mr. Butt.*)—instead thereof.

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THE SOLICITOR GENERAL pointed out that nearly all the Acts which it was proposed to renew had been passed by Parliament upon the understanding that they should be continued from Session to Session until Parliament dealt otherwise with them. If the hon. and learned Gentleman opposed certain Acts being re-enacted, it was quite open to him to move a Resolution in any Session, which would prevent their being retained in the schedule of the next Continuance Act; or he could bring in a Bill to repeal the particular Acts. He hoped the Amendment would not be pressed.

MR. HINDE PALMER said, that many of the Acts proposed to be continued were of a highly penal character, and should be discussed separately and at a proper time.

MR. O'CONOR thought the continuance of these Acts was very objectionable, and the Bill should not pass without due consideration. He did not think at that late hour the question should be proceeded with.

MR. BUTT said, he would withdraw his Amendment.

*Amendment, by leave, withdrawn.*

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

*Bill considered in Committee.*

(In the Committee.)

Schedule.

MR. BUTT protested against proceeding with the Bill at such a late hour in the morning. It would seriously affect the liberties of the people of Ireland, and ought to receive due deliberation. He moved the omission of No. 2, "Societies Unlawful, Ireland Act."

Amendment proposed, in page 2, line 15, to leave out the words "2 and 3 Vict. c. 74, Societies, Unlawful (Ireland)."—(*Mr. Butt.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

THE MARQUESS OF HARTINGTON said, it would be inconsistent on the part of the House to pass a Bill in June giving the Lord Lieutenant of Ireland

most extensive powers for the purpose of arresting persons supposed to belong to one of these secret societies, and then at the end of the Session to repeal the Act which made these societies unlawful.

Question put.

The Committee divided: — Ayes 72; Noes 7: Majority 65.

MR. BUTT took exception to including the Preservation of the Peace (Ireland) Act, as it was continued by a measure passed this Session.

THE MARQUESS OF HARTINGTON said, the continued inclusion of the Act would secure its continuance when the measure of this Session expired, if it were allowed to do so.

MR. HINDE PALMER moved to omit section 14 from the Master and Servant Act, the clause being that which affords a criminal remedy to a master for the breach of a civil contract by a workman. The working classes in every direction had expressed themselves strongly anxious for the abolition of this section. The Bill had been brought in by the noble Lord the Member for Haddingtonshire (Lord Elcho), with the best intention to benefit working men, and while some of it was unobjectionable this clause was felt to be an extreme injustice. While it gave a right of appeal to Quarter Sessions the workman might be imprisoned in the meantime, the magistrate not being bound to take bail, as he was under the old Acts against workmen. A Congress at Leeds, representing 700,000 of their body, had relied upon the interference of Parliament to rectify this wrong, and he should take the sense of the House upon it.

Amendment proposed, in page 5, line 20, after the word "Act," to insert the words "except Section 14." — (Mr. Hinde Palmer.)

Question proposed, "That those words be there inserted."

MR. BRUCE opposed the Amendment. At the time of the passing of the Act it was felt that there were aggravated cases which could not be adequately dealt with as civil offences. In the case of the gas stokers, for instance, who were sentenced to short terms of imprisonment, the public generally approved the decision. The law was a

just and necessary law, and he would maintain it.

MR. NEWDEGATE said, he should be disposed to give magistrates a discretion in admitting defendants to bail, and that, he thought, would get rid of the harshness of the clause.

Question put.

The Committee divided: — Ayes 25; Noes 45: Majority 20.

MR. P. A. TAYLOR moved, in page 5, line 43 (No. 33), to leave out "34 and 35 Vic., cap. 87, Sunday Observance Prosecutions." The hon. Member said, that all the old tyranny of Sabbath prosecutions was revived under the recent Act with more than its former anomalies and absurdities. Under the present law the worst features of permissive legislation were exhibited through the police discretion allowed, and a cruel tyranny was enacted. He believed that the Act of Charles II. was wrong; but, at any rate, let them have it in a form in which it would press equally on all classes of society, and not oppress the very poor alone.

MR. BRUCE opposed the Amendment, and deprecated the contempt displayed by the hon. Member for the feelings of 99 in every 100 of the population, who simply wished to stop unnecessary and obtrusive trading on Sunday.

Amendment negatived.

Bill reported; as amended, to be considered To-morrow.

#### LANDLORD AND TENANT (IRELAND) ACT (1870) AMENDMENT BILL.

On Motion of Mr. Butt, Bill to remove doubts that have arisen as to the provisions of "The Landlord and Tenant (Ireland) Act (1870)," as to notices to quit, ordered to be brought in by Mr. Butt and Mr. P. J. SMYTH.

Bill presented, and read the first time. [Bill 271.]

House adjourned at Three o'clock.

## HOUSE OF COMMONS,

Wednesday, 30th July, 1873.

**MINUTES.]** — SELECT COMMITTEE.—*Report*—Civil Service Writers [No. 370].

**WAYS AND MEANS**—*Resolution* [July 28] reported.

**PUBLIC BILLS**—*Resolutions reported*—Ordered—*First Reading*—Duke of Edinburgh's Annuity\* [272].

Ordered—*First Reading*—Consolidated Fund (Appropriation)\*; Militia Pay Acts Amendment\* [273].

*Second Reading*—Factory Acts Amendment [47], adjourned debate resumed and further adjourned. Considered as amended—Telegraphs\* [262]. Considered as amended—*Third Reading*—Expiring Laws Continuance\* [261]; Railway Regulation\* [232], and passed.

*Third Reading*—Royal Naval Artillery Volunteer Force\* [264]; Slave Trade (Consolidation)\* [249]; Constabulary Force (Ireland)\* [257]; Local Government Provisional Orders (No. 6)\* [244]; Statute Law Revision\* [240]; Sanitary Act (1866) Amendment (Ireland)\* [266], and passed.

## NAVY—ASSISTANT SURGEONS.

QUESTION.

SIR DOMINIC CORRIGAN asked the First Lord of the Admiralty, Whether at present Assistant Surgeons in the Royal Navy, even when not serving on Foreign stations, are denied the privilege known to be generally accorded to Assistant Surgeons in the Army and to Officers generally, of voluntarily retiring from the service; whether there is any limit of time to the refusal of the Admiralty to permit such Naval Medical Officers to retire, or whether they are liable to be forced to remain in the service for any number of years at the pleasure of the Admiralty; and, whether there are not at present Navy Medical Officers on the half-pay list whose services could be had to supply the places of Assistant Surgeons desiring to retire but refused permission?

MR. GOSCHEN said, in reply, that the first question was one of law. The Admiralty had full power to retain the services of medical officers, and that right had always been exercised with a certain amount of discretion. Retirement had been refused to three surgeons who had gone through a course of instruction for 18 months, because their services were required on foreign stations. He thought when a young man had gone through a course of instruction

at Netley Hospital at the public expense, he should not be permitted to retire until he had rendered a corresponding amount of service to the public. On the other hand, applications to retire had been acceded to because in one case the applicant was an invalid, and in the other long and good service entitled him to ask for retirement.

## IRELAND—THE COUNTY OF LOUTH.

QUESTION.

MR. CALLAN said, that in the absence of the Chief Secretary for Ireland, he would ask the right hon. Gentleman at the head of the Government the Question of which he had given Notice, Whether, considering the freedom from crime which in the words of Mr. Justice Lawson "places Louth in the first rank as a model county," the Government will any longer retain in that county an extra police force, and exact payment therefor from the payers of county cess, without at least giving them an opportunity of expressing, in some official or authoritative manner, their opinion as to the necessity under existing circumstances of burthening the rates with increased taxation for the maintenance of an extra police force?

MR. GLADSTONE said, he had not had time to examine the Question. He understood that his noble Friend the Chief Secretary for Ireland had not received the necessary information from there, and that he would answer the Question at the earliest moment.

MR. CALLAN gave Notice that he would repeat his Question on Friday.

## METROPOLIS—HYDE PARK—BATHING IN THE SERPENTINE.—QUESTION.

SIR THOMAS CHAMBERS asked the First Commissioner of Works, Whether any complaints have been made to him of the limited area allowed to bathers in the Serpentine; and, whether he can arrange for more ample accommodation?

MR. AYRTON said, in reply, some persons had taken exception to what the hon. and learned Member called the "limited area" for bathing in the Serpentine; but he (Mr. Ayrton) ventured to think that, as the practice, scarcely decent, if not disgusting, of a number of persons bathing in the evening just at the time when a great number of persons

were enjoying their leisure in the Park, was one that had better be discouraged than increased, he did not think that the area was of too narrow limits. At the same time, he had always been desirous the public should have facilities for bathing in the Park, and he had intended to make a proposal to the Government on the subject, when a lady who had long resided in the metropolis offered to make large baths at her own expense. Plans were prepared and were submitted to Her Majesty, who expressed great satisfaction at the benevolence of that lady in this undertaking; but just as the contract was being made, the lady unfortunately died without leaving any powers to fulfil her intentions. Her estate had fallen into the hands of the Crown at present, but was likely to be claimed by some one of those persons who always turned up when large fortunes were at stake. Whether the estate reverted to the Crown or not it would be necessary to give the question of bathing accommodation full consideration. If it did, he could not doubt that some part of it would be applied to carry out the intentions of the lady.

METROPOLIS—NATURAL HISTORY MUSEUM AT SOUTH KENSINGTON.

QUESTION.

MAJOR BEAUMONT asked the First Commissioner of Works, Whether he will permit the public to judge of the general character of the building now in course of erection for the Natural History Museum at South Kensington by means of photographs of the plans, or in any other way, as may be most convenient?

MR. AYRTON said, he would communicate with the architect, and if he found that a drawing could be photographed it should be done.

PARLIAMENT—BUSINESS OF THE HOUSE—PRECEDENCE OF ORDERS OF THE DAY.

OBSERVATIONS.    QUESTION.

MR. COLLINS said, he rose on a point of Order. A Bill, of which he had the charge, had been placed No. 21 on the Paper, while the Bill of the hon. Member for Sheffield (Mr. Mundella) had been placed No. 4, and he wished to know from the Speaker, Whether that precedence was in accordance with the Resolution of Monday last, by which the

*Mr. Ayrton*

Government were allowed precedence for their Orders on that day?

MR. SPEAKER read the Standing Order, and said that the proper construction of the Order was that the Government had not only power to place their own Orders, but those of private Members, according to their pleasure, and therefore the Bill of the hon. Member for Sheffield properly had precedence that day.

MR. HUNT asked the Prime Minister, Whether it was to be considered that the Bill of the hon. Member for Sheffield had been adopted by the Government?

MR. GLADSTONE said, it did not follow because the Bill referred to had been placed No. 4 on the Paper that therefore the Government were going to support it, or make it a Government measure. They might just as well say that any Motion implying a Censure, or a Vote of Want of Confidence in the Government, to which the Government gave precedence, was necessarily adopted by them—a proceeding which would be simply absurd. In reply to the hon. and learned Member for Boston, he might say that the Government had proceeded in accordance with the spirit of his (Mr. Gladstone's) declaration the other evening; but he was not, at the time when he made that declaration, aware of the large power which the Standing Order gave to the Government. He knew that it was the desire of the House that the Session should not be prolonged, and also that the Bill of the hon. Member for Sheffield should be discussed, and therefore he took upon himself to give it precedence that day.

MR. NEWDEGATE pointed out that the Standing Orders ought to be revised, it appearing that the Government had not only the power of giving precedence to Bills of private Members, but of displacing the Bills of other private Members. He regretted that the Leader of the Opposition had not taken a more active part during the discussions upon the subject, and hoped that next Session independent Members would exert themselves to obtain a revision of the Standing Orders.

MR. J. LOWTHER asked the Prime Minister, Whether what had been done was in accordance with the spirit of his declaration; because he (Mr. Lowther) understood that precedence should be given only to Government Orders?

MR. GLADSTONE said, it appeared to him that he had already answered the Question. His intention was to use all the power which he legitimately possessed; but he did not know at the time referred to how considerable that was.

**MARRIAGE OF H.R.H. THE DUKE OF EDINBURGH—REPORT.**

Resolutions reported from the Committee on the Message from Her Majesty [28th July];

(1.) "That the annual sum of Ten Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, towards providing for the Establishment of His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia, the said Annuity to be settled on His Royal Highness for his life, in such manner as Her Majesty shall think proper, and to commence from the day of the Marriage of their Royal Highnesses, such Annuity to be in addition to the Annuity now enjoyed by His Royal Highness under the Act of the twenty-ninth year of Her present Majesty."

(2.) "That Her Majesty be enabled to secure to Her Imperial Highness the Grand Duchess Marie Alexandrovna, in case she shall survive His Royal Highness the Duke of Edinburgh, an annual sum not exceeding Six Thousand Pounds during her life, to support her Royal Dignity."

Resolutions agreed to:—Bill ordered to be brought in by Mr. BONHAM-CARTER, Mr. GLADSTONE, and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time.  
[Bill 272.]

**SUPPLY—CIVIL SERVICE ESTIMATES.**

**CUSTOM HOUSE CLERKS AT THE OUTPORTS.**

**REPORT. ADJOURNED DEBATE.**

Order read, for resuming Adjourned Debate on Question [29th July], "That the Resolutions which were then reported from the Committee be now read a second time."

Question again proposed.

Debate resumed.

MR. GLADSTONE said, he hoped that the Report might now be received with the general concurrence of all parties, because it was desirable to avoid any needless delay in winding up the business of the Session, and the Appropriation Bill, which it was desirable to bring in as soon as possible, was a measure the obstruction of which ought not to be

resorted to except under extraordinary circumstances. He regretted to say he himself was obliged to leave the House last evening at an early hour, leaving his right hon. Friend the Chancellor of the Exchequer under an impression which he himself shared. There was before the House a Motion for the Report of Supply which did not admit of Amendment. Had it admitted of Amendment it would have been in the power of his right hon. Friend to speak on the Motion and likewise on the Amendment; but as it happened he had only the power of speaking once on the question, whereas there were two subjects on both of which it would have been right for him to address the House—the one relating to the subject brought forward by the noble Lord the Member for Liverpool (Viscount Sandon), and the other relating to the salaries of the officers of the British Museum. He left his right hon. Friend under the impression—and he himself concurred with him in the impression—that the proper course would be for him to speak when both subjects were before the House. Practically, however, he (Mr. Gladstone) understood the state of the case to be as follows:—Very many hon. Members of the House, and the majority of those who were present last night, were under the impression that in respect to the date assigned for the commencement of a particular arrangement as to the pay of the Custom House officers at the outports, those officers had suffered a grievance, and it was thought the subject ought to be favourably considered by the Government. The view of his right hon. Friend was not in unison with that of the House; but he would, when the circumstances of the case permitted, consult with, and state the view entertained by his Colleagues upon the subject. They were not at present cognizant of all the facts of the case in detail, but they would make them the subject of careful inquiry. He might mention that there was a general disposition on the part of his Colleagues to meet the wishes which were widely entertained in the House; but, as the information possessed by the Members of the Government generally, as distinguished from the Chancellor of the Exchequer, was not perfect, he could not state what conclusion they would arrive at. On the other hand, the noble Lord the Member

for Liverpool would remain perfectly free to raise the question without prejudice, should he not be satisfied with the conclusion at which the Government might arrive. Under these circumstances, he trusted there would be no difficulty in allowing the Report to be received.

VISCOUNT SANDON hoped the House would allow him, though out of Order, to thank the First Lord of the Treasury for the handsome way in which he had met the question; but he should, of course, reserve to himself the full right of asking next Session for the appointment of a Select Committee to investigate the subject.

MR. SCOURFIELD hoped the claims of the clerks in the British Museum would also be favourably considered by the Government.

SIR JAMES ELPHINSTONE took occasion to advert to the extraordinary circumstances under which important matters in Supply were brought before the House. The Navy Estimates had not been considered since May last until half-past 2 o'clock the other morning, when it was too late to discuss them. He intended to bring several important subjects connected with the Navy under the consideration of the House on the earliest opportunity next Session.

Question put, and agreed to.

First Five Resolutions agreed to.

#### SUPPLY—SUPPLEMENTARY ESTIMATES.

##### CLASS I. PUBLIC WORKS AND BUILDINGS.

###### THE NEW PALACE AT WESTMINSTER AND THE EMBANKMENT.

(6.) £8,500, New Palace at Westminster, and Embankment of the River Thames.

"That a sum, not exceeding £8,500, be granted to Her Majesty, to defray the charge that will come in course of payment during the year ending on the 31st day of March, 1874, for the Acquisition of Lands for the purpose of the New Palace at Westminster, and for the further Embankment of the River Thames."

On Question? That this House doth agree with the Committee in the said Resolution,

MR. BOUVERIE: I think, Sir, there are some circumstances with reference to this Vote which require a little explanation from Her Majesty's Government.

*Mr. Gladstone*

I understood the right hon. Gentleman the First Commissioner of Works to say the other evening that he was not responsible for the expenditure of this sum of money, whereas the House considers that he is responsible to it for this kind of work being properly done. It is a most extraordinary thing that the head of a Department should know nothing about the work undertaken by his Department. He is a Minister of the Crown who is responsible to this House in regard to the duties imposed upon him by Act of Parliament, and the main portion of his duties is the superintendence of buildings erected at the public expense. The right hon. Gentleman is clearly responsible to this House for the business of his Department being transacted in a right and proper way. This is a Vote for the commencement of a great building operation; but the Minister upon whom rests the responsibility of doing the work properly, gets up in this House and disavows having anything to do with it, adding that he is not the person to be applied to for an explanation. This is altogether a new theory of Ministerial responsibility, and is not the proper position in which the matter should be placed before the House. Suppose the matter comes up again, as it must do, and suppose the right hon. Gentleman still continues to be the First Commissioner of Works, and is called upon to explain either what has been done or what is going to be done; he would probably say—"I told you from the commencement I had nothing to do with the matter. It is true I am the First Commissioner of Works; but over these particular works I have no control, and in regard to them I incur no responsibility." If the right hon. Gentleman has undertaken to discharge these public functions which are cast upon him by Act of Parliament, he must discharge them to the best of his judgment, and according to his notion of what is right; but he is not entitled to stand up in the House of Commons and say—"I will do this work as a mere instrument of the Treasury; but I am not responsible for its being done, for it is entirely contrary to my view of what ought to be done, and somebody else must bear the blame, if any blame is subsequently imputed." Though this is a small matter, it shows the way in which the transaction had

arisen between the Post Office and the Treasury, which had been discussed the previous day. The Postmaster General had certain public functions and duties to discharge to this House and the country; but another great Department stepped in over his head, and undertook the management of the business which he ought to have done. And when the Department had got the Postmaster General into a mess—which was to be expected from the way in which the transaction was conducted—we were told there is a divided responsibility, we cannot exactly say who is to blame, and that no blame attaches to anyone at all. I implore the House not to allow this state of things to grow up. The duty of this House is not to approve plans, or to constitute itself a Committee of taste. Its business is, as our ancestors stated, "to bring ill Ministers to account," and we can never do that, or keep the responsibility for bad work improperly done on the shoulders of a Minister, unless when we commence an operation involving the expenditure of public money we take care that the Minister is clearly responsible for what is done. Unless a more satisfactory explanation is offered than was given the other night, I shall, if I get any support, take the liberty of dividing the House on this Resolution.

MR. SCLATER-BOOTH pointed out that a sum of £35,000 had been asked for for the Embankment of about 200 feet, and he thought that that was an enormous sum for the purpose. The Chancellor of the Exchequer had said it was required for that purpose; but the right hon. Gentleman the First Commissioner had stated that it was more than sufficient, and he (Mr. Sclater-Booth) wished to know which statement was the correct one?

MR. GILPIN said, he should go into the Lobby with the right hon. Gentleman the Member for Kilmarnock if he divided the House, unless he heard a satisfactory answer as to who was responsible in the matter.

MR. BECKETT-DENISON said, there was a general feeling that the sum of £8,500 was not too much for the Embankment; but as to the buildings referred to, he wished to point out that they knew nothing of their details, nor of their ulterior object, and he thought that the House was entitled to more information respecting those buildings. It could

hardly have escaped the notice of any hon. Member that there was a want of accord between the Treasury and the Board of Works. If the right hon. Gentleman felt himself at liberty to declare the real state of the case, it would probably appear that this disagreement was at the bottom of the explanation he gave to the House the other night.

MR. AYRTON: The Question is put to me whether the report in a newspaper of what I said the other evening is correct or not. After reading that report I looked at several other reports of what I said; but they so entirely differ from one another that it is difficult to say whether they were reports of the speech I am supposed to have delivered. What I stated was this—and I stated it clearly, because when the hon. Gentleman was addressing the House I interrupted him in order to make it clear that what I said was quite consistent with what I stated to the House some years ago about the Embankment. I then said I thought it necessary, in order to protect the Houses of Parliament against fire and other injury, that there should be a clear space on the southern side of this building, and that this space should be embanked from the Thames so as to separate this building from any other which might be subsequently erected. A Bill had been passed before I took office for reclaiming a much larger space of ground and for embanking that ground; but, in my opinion, it was not necessary to reclaim so much land unless the House desired to embark on what I may term a metropolitan improvement. I thought it better to take my stand on this—that metropolitan improvements ought to be undertaken by the Metropolitan Board of Works at the expense of the rate-payers. It was my opinion that this great city ought not to go to the Chancellor of the Exchequer to have its improvements effected, instead of carrying them out itself. Such are the views which I expressed to the House two or three years ago. Having stated that view I did nothing more when this Vote came before the House than repeat the opinion I had previously expressed—namely, that a certain portion of the Embankment mentioned in the Vote was necessary and desirable for protecting the southern side of the Houses of Parliament, and that any further extension of the Embankment and the purchase of

land for building was a project disconnected with the Houses of Parliament, and that it ought to be so treated by this House. With regard to the particular Estimate, I stated that I had prepared an Estimate consistent with that view; and on the face of the Estimate I stated that a part of the Embankment was proposed for the purpose of public buildings. The Treasury, however, altered the Estimate, which was laid on the Table on the authority not of the Office of Works but of the Treasury;—and the Treasury has an undoubted right to alter any Estimate which I may prepare. It has before exercised that power without my knowledge, and such was the case on this occasion. I only acquired the knowledge of what had been done in the same way as every other Member of the House. Therefore, I stated that I did not hold myself responsible for this Estimate, because it appeared to be entirely at variance with the Estimate I had prepared. I had not changed the opinion which I had formerly expressed, and accordingly I disclaimed the Estimate. The hon. Gentleman who addressed the House the other day (Mr. Rylands) challenged me with acting at variance with opinions which I had repeatedly expressed, and his challenge amounted to a suggestion that I was, in fact, deceiving the House. I replied to the suggestion of the hon. Gentleman that nothing of the sort had occurred, for I entirely adhered to the opinion I had often expressed that it was the duty of the Office of Works never to submit to the House any proposition for the commencement of expenditure without frankly stating to the House the conclusion to which that expenditure might lead. On one occasion when Lord Palmerston was at the height of his power I nearly carried a Motion in a large House on a question of this kind, and we never heard any more of the project which led to that division. I think myself, therefore, committed to this opinion. And I think it essential for the due conduct of public affairs. I have witnessed in times gone by that the House has been induced to pass comparatively small Votes, and that the Government has afterwards come forward for further Votes on the ground that they were absolutely necessary in consequence of what had been already

done. I have always resorted to the opposite course. I have always endeavoured, since I have been connected with Her Majesty's Government, that every transaction involving public expenditure should be explained fully to the House in the first instance. As soon as I took possession of my present Office, I drew up Instructions which were delivered to every person employed in the Office of Works, by which Instructions he was required to state in his estimate, not only the mere work then proposed, but every collateral work to which it might lead, in order that I might know the full extent of the expenditure which the Office might ultimately have to adopt. Now, that being my view, it was right that I should state exactly what I thought when my hon. Friend (Mr. Rylands) imputed to me a departure from the views which I was known to have entertained. I must now state my position in regard to the present Vote. I had to explain to the House, as regards the Embankment, that, so far as it was necessary for the protection of the Houses of Parliament, I thought it a desirable work; but that as to any buildings on the Embankment I did not know the nature of them, and declined to have anything to do with them. That, I think, put the matter plainly before the House. But the right hon. Gentleman (Mr. Bouvierie) says he cannot accept such a divided responsibility; and this gives rise to the following extremely complicated question:—"What is the responsibility of the First Commissioner of Works?" That is just what I myself should very much like to know. I am obliged to suggest this definition—he is responsible exactly to the extent and degree to which his communications with the Treasury make him responsible. I am unable to find any other definition of his responsibility, for the Act of Parliament under which his Office was established is so singularly drawn that I believe it defeats the chief purpose for which the Office of Works was established. Well, the legislation being of this character, the First Commissioner of Works looks in vain to discover what his responsibility is. In order to be responsible to the House of Commons for everything done in connection with public works the First Commissioner must hold his appointment under some Act of Parliament which gives him a

power negative or affirmative in connection with public works, and which so vests that power in him as to make him the head of a Department independent of the action of the Treasury—as separate and distinct from them. But the Act of Parliament says the Office of Works shall do whatever it is ordered and directed to do by the Treasury:—therefore, the Treasury is by law an executive and not a controlling Department. The Treasury in regard to the Office of Works constitutes itself an executive Department, and when it does so you cannot have two executive Departments. You may have a controlling Department having a negative; but if it can also direct anything to be done with or without assigning any reason even to the First Commissioner of Works, it is quite clear that the First Commissioner of Works can have no responsibility in regard to what is so directed to be done. As I understand, we are going next year to have a Select Committee re-appointed to inquire how the public Departments are managed; what I have stated are matters of fact, to which I hope the attention of the Committee will be drawn. What I stated the other day, and what I now wish to repeat is this—so far as this money is required for the acquisition of land necessary for the protection of the New Palace of Westminster, and for embanking the land so acquired, I think it necessary and desirable; but I know nothing, officially or otherwise, of the object or destination of the land beyond that which has been purchased and is proposed to be embanked, either as to the application of the land itself or of the buildings to be erected on it, except what has been stated in the Committee of Supply.

MR. GLADSTONE: I have taken, Sir, the rather unusual course of presenting myself to the House, because, under the circumstances, and considering the nature of the appeal of my right hon. Friend the Member for Kilmarnock (Mr. Bouvierie), and the wide scope of the duties which he attached to the office of my right hon. Friend who has just sat down, I think it my duty, considering the position I hold, to give at once to the House my views upon the subject. In the first place, I must say I think my right hon. Friend behind me is perfectly sound in the principle he has laid down.

It is the right and the duty of this House to hold the Executive Government to account in the strictest manner in regard to proposals for the expenditure of public money, and on that point I shall endeavour to give my right hon. Friend those assurances which appear to be required by the nature of the case. Therefore, I shall not commit myself in any manner, except in the manner in which the whole Executive Government is prepared to be responsible. I shall, however, endeavour to meet the right hon. Gentleman's very fair and equitable demand. The House has just heard the statement of my right hon. Friend the First Commissioner of Works, which I will divide into its several parts. My right hon. Friend has stated—and I think in the exercise of a perfect right—that this is a question in regard to which he feels himself bound, and honourably bound, by declarations made on former occasions before he became a member of the present Administration. My right hon. Friend, acting with that manliness for which I must give him credit, and with which I may remark he constantly opposed me in this House while I was Chancellor of the Exchequer, set himself to maintain the perfectly sound principle that the metropolis ought to be called upon to defray the cost of metropolitan improvements. But it may be difficult at times to draw the line so as to say exactly what is a metropolitan improvement, and upon whom the responsibility as to such improvement should rest. I speak now as to the principle, and not as to the matter of fact. I myself, and I think my right hon. Friend the Chancellor of the Exchequer in particular, and the other Members of the Government are entirely of one mind with the First Commissioner of Works upon that subject, they being distinctly of opinion that for metropolitan improvements properly so-called, which do not directly address themselves to the special duties incumbent on the Government in connection with the Government property and Government obligations, the metropolis ought to be called upon to pay. I must speak with frankness in regard to the other portion of my right hon. Friend's speech. I own I doubt whether my right hon. Friend has stated with perfect accuracy the law of Ministerial responsibility. I noticed when he said, in a passing ob-

servation of good humour, that he should like to know what the responsibility of the Board of Works was, some hon. Gentlemen opposite applauded and seemed amused, and appeared to concur with him in the idea that there was something cloudy in the matter; and there is occasionally an idea entertained in the public mind that there is a doubt about Ministerial responsibility. I do not share that doubt. Sometimes a difficulty will arise, as, for instance, in the matter we were discussing yesterday, when there is a subject in regard to which various Departments are called upon to interfere, and when the law has not defined with precision how the several duties are to be discharged. But when the law has spoken clearly, or when the practice is well understood, I have never found any difficulty in fixing Ministerial responsibility. In this matter, in my judgment, the Treasury is not an executive Department, but a controlling Department; but occasionally, and, indeed, frequently, there are things to be done in the multifarious concerns of the country in regard to which the Treasury is compelled to act as a Department invested with the initiative, simply because there is no other Department to do so. Still, this ought not to be done when there is another Department which is able to take the initiative, and it is not in the power of a Minister representing a Department to remove himself from responsibility for the public expenditure of that Department, by saying that it had been ordered by the Treasury. The Treasury are invested with certain functions in these cases, and in this particular one the respective functions of the Treasury and the Board of Works were very clearly defined. The Act of Parliament passed in 1867 authorizes the Commissioners of Her Majesty's Works and Public Buildings to acquire lands for the purposes of the New Palace of Westminster and for the construction of the Embankment on the north shore of the River Thames in the parish of Saint John the Evangelist, Westminster. By the 2nd section they are invested with the power and the duty of carrying the Act into effect; but the 16th section provides that with respect to money matters their action is to be subject to the control of the Treasury, and that no charges should be made by the Commissioners

without the consent of that Department. Here, therefore, is a statutory power placing the matter in the hands of the Commissioners of Works, and a power is also placed in the hands of the Treasury to limit and restrain the Commissioners of Works in the exercise of the functions which Parliament has intrusted to them. And now arises the question—What is the responsibility of an officer of the Government who is invested with certain statutory powers? Is he simply to look at the statute, and is he by the grant of such powers exempted from all control and interference on the part of his Colleagues other than that which the Act of Parliament gives; or is he, on the contrary, subject to the intervention of the Government as a whole? I answer that question without any doubt whatever. It constantly happens that for convenience sake this House and the Legislature find it necessary to intrust the discharge of a particular duty by statute to a particular Department of the Government; but it does not follow on that account that the whole Government is not responsible. In regard to this statute my opinion is perfectly distinct. I hold it is not the Treasury as a Department which has or could have any power to take out of the hands of the Commissioners of Works any authority given to them by the statute; but I hold also, on the other hand, with regard to the First Commissioner—and with regard, indeed, to every Secretary of State who exercises statutory powers—that he must act as a Member of the Government, and be necessarily subject to the control of the Government as a whole. Therefore, I consider that my right hon. Friend near me (Mr. Ayrton), in the exercise of the positive powers given to him by the statute, is subject not to the control of a particular Department, otherwise than is laid down by the statute, but that he is subject to the control of the Government as a whole, and to no other control whatever. However, a question arises which all Members of all Governments have to put to themselves in the inner forum of conscience from time to time. If they are men of sense, as they sometimes are, they are occasionally obliged to forego their individual opinions on particular questions of avoiding greater evils, or less benefit than the, or think attain-

able. I apprehend that happens to all Members of the Government, and therefore it must happen among others to the First Commissioner of Works, and my right hon. Friend, by acting on the same principle, can yet act with the power and responsibility of the whole Government. Every Member of the Government may adopt a measure which is not that which his own mind would have dictated, and which may yet accord with the inner mind of the Government on the subject; but this does not exempt him from Parliamentary responsibility, which remains whole and entire; and Parliament has a right to exact from him a perfect responsibility for everything which is done in his Department, equally with that which appertains to him as a Member of the Government. After what I have said, I hope my right hon. Friend will not think I have done anything to weaken or extenuate the doctrines of Ministerial responsibility, or to evade the responsibility which rests upon the Government individually, and as a whole. With regard to the particular Vote before the House, the First Commissioner of Works is of opinion that there is a certain duty incumbent upon the House which involves a limited project of Embankment with a view to secure the Palace in which we meet from danger, and possibly also with reference to the beauty of the site. He thinks that beyond that the Government ought not to go. The Chancellor of the Exchequer, looking at the Act of Parliament, observes that the Act appears—and the question, I admit, is one of some difficulty—to give the authority of the Legislature to the execution of a considerable work, while it does not appear to contain that provision which some might think necessary for the division of the charge between the Government and the Metropolitan Board of Works. That involves a matter of very considerable difficulty, and one upon which no person can be greatly blamed for holding either one opinion or the other, but with respect to which the rights of this House are perfectly clear. I believe that the Vote which is now asked is a Vote which, so far as actual money is concerned, would be required by the limited view of the First Commissioner of Works. I do not know that it is precisely so, but it is substantially so. The Vote is within what the limited plan will require; but nothing can be

done under this Vote which in any degree, great or small, will tend to commit the House to the larger plan. The question of that larger plan, which is of some importance and difficulty in connection with the terms of the statute, is one which shall be reserved entirely and absolutely for the future judgment of Parliament. That my right hon. Friend may fairly claim of me, and I give to him and the House the distinct pledge I have mentioned with reference to the execution of these works.

MR. HUNT: We have had to-day one more addition to the many curious revelations we have lately witnessed as regards the Treasury and its subordinates; but I think the episode of to-day exceeds in curiosity all those which have preceded it. I take no exception to the doctrine of Ministerial responsibility laid down by the Prime Minister. He says truly that any subordinate Member of the Government may be overborne by the opinion of his Colleagues on any matter under their consideration; but that so long as he consents to remain in the Government and acquiesces in its decision he must accept a part of the responsibility. The Prime Minister has alluded to the period when the First Commissioner stood up in a manful manner in this House and opposed him as Chancellor of the Exchequer on some proposal which he made. That, no doubt, was a very proper course to take so long as he was an independent Member of this House; but now we have the extraordinary spectacle of the First Commissioner of Works standing up from the Treasury Bench and protesting against the proposition made by his superiors at the Treasury and by the Government as a whole. In all the experience I have had in this House, I certainly never remember such a course being taken. The nearest approach to it was when the Prime Minister himself was continually protesting against the military expenditure which had received the sanction of the Cabinet of which he was a member. I am speaking of former years, before the right hon. Gentleman occupied his present position. The First Commissioner of Works says he sent an Estimate to the Treasury, and the Treasury, without consulting him, altered the Estimate, and that he is not responsible for the Estimate as it now stands.

MR. AYRTON: What I said was that the Estimate was altered—not that it was altered with reference to the amount. The Estimate was made with reference to the particular work which the Treasury desired to have constructed. But, as I said before, the Estimate was altered with reference to that work, and the matter imputed to me was that I had not disclosed the purpose for which the work was undertaken. I simply said that the Estimate had been altered, and therefore the charge as regards myself was without foundation. ["Oh!"] Perhaps the House will allow me to explain, as the right hon. Gentleman rather misunderstood what I said. What I said was that I did not oppose any part of this expenditure or impugn it, but that I was not acquainted with the circumstances, and therefore I expressed no opinion upon the matter. That was the fact.

MR. HUNT: I accept the right hon. Gentleman's correction, but it really comes to much the same thing. What I understand is that in his view the acquisition of the land required only a limited portion of the Embankment to be made, and that he sent in an Estimate to the Treasury with that view; but that the form was altered, and that he never knew it was so altered as to embrace the larger scheme. I understand further that he had no opportunity of consulting with the Treasury, and that he only received information on the point in the same manner as other Members of this House.

MR. AYRTON: The particular accusation made against me was that this Estimate did not disclose the purpose for which this money was required. In the Estimate I sent to the Treasury a Note was put for that purpose. The Treasury altered the Estimate, and struck out that Note. That Note had nothing to do with the amount of the expenditure for the Embankment.

MR. HUNT: What I understand is, that the right hon. Gentleman sent to the Treasury an Estimate with a Note defining the purpose for which the Vote was taken. Is that correct? [Mr. AYRTON: Yes: it stated the purpose.] I also understand that without consultation with the right hon. Gentleman the Treasury struck out that Note, and therefore altered the statement of the purpose for which the work

was undertaken. We have heard that a certain incompatibility of disposition existed between the right hon. Gentleman the First Commissioner of Works and the Chancellor of the Exchequer; but I thought the interposition of a broad street between the two right hon. Gentlemen would produce that amicable disposition which would allow the public service to be carried on. What I want to know is, whether it is the case that the Chancellor of the Exchequer is not on speaking terms with the First Commissioner of Works? [Laughter, and "Oh, oh!"] Well, what is the revelation that the First Commissioner has made? What could be the relation between the right hon. Gentleman and the Treasury, when, without any communication between them, the Treasury altered the form of his Estimate, and that the right hon. Gentleman only learned it through the same channels as other people. Such a mode of administering affairs at the Treasury I never heard of before in my life. What is the practice of the Treasury? Is it that the subordinate Departments send in their Estimates to the Treasury, which exercises its control in cutting them down? But when any serious alteration is made by the Treasury communications are held between the Treasury and the head of the Department, the Treasury having the ultimate decision, and it is after those communications that the Estimates are finally prepared and laid before Parliament. In this case no such practice was adopted, and therefore such an exposition as that of the right hon. Gentleman might be left without further comment. But when the right hon. Gentleman stands up and protests that he cannot be held responsible for this Estimate, I will call the attention of the House to the form in which the Estimate is presented. The right hon. Gentleman is there described as the accounting authority for the spending of this money; and yet he stands up in his place and protests against any responsibility resting upon him with regard to that part of the Estimate applying to the project of extending the Embankment beyond where he thought it ought to be extended. I now leave the matter as it stands.

MR. GLADSTONE: I have to ask the indulgence of the House for a moment to say a word of personal explanation.

The right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) has found it necessary to illustrate the matter by stating that some seven or eight years ago it was my practice as Chancellor of the Exchequer to denounce the expenditure proposed by the Cabinet to which I belonged, and to deny my responsibility for it. I beg to meet that statement with the most explicit and unequivocal denial.

MR. HUNT: What I said was that the right hon. Gentleman was in the habit of protesting against it.

MR. GLADSTONE: And so I am now.

MR. LIDDELL said, it was due to the House that it should not be asked to embark upon this expenditure without knowing what it would amount to in the future. He regretted that relations of a more friendly character did not exist between the Treasury and the Board of Works. He had listened to the speech of the Prime Minister; but he had by no means made it clear what the responsibility of the First Commissioner really was. If the law were hazy the House had a right to expect that the Government would take some steps to make it clear and distinct. It was a sound principle that the House should look to the Heads of Departments as responsible; but if the Treasury had the power of controlling the expenditure or plans of the Board of Works that responsibility was taken away from the First Commissioner. What had occurred to-day involved a very important constitutional principle and was very deplorable in itself, revealing as it did a lamentable state of affairs.

MR. BAXTER said, that neither the buildings nor any part of the plan to which the right hon. Gentleman the Chancellor of the Exchequer had referred the other night formed any part of the plan for which the present Vote was asked. It was simply for the Embankment of the Thames, and that Embankment would be very much longer than had been at first thought necessary. It would now be nearer 300 feet than 230 feet, and would cost every penny of the sum now asked for. Under no circumstances would anything be done under the present Vote to involve the House in any expenditure except for the Embankment.

MR. J. LOWTHER said, he was afraid he was one of the Members referred to by the Prime Minister as having derived amusement from the very extraordinary scene which had just been witnessed. When the House saw considerable discord arising between the Treasury and the Board of Works, it seemed that the dramatist was not very far wrong in his idea that Ministerial existence was spent in a *Happy Land* from which, however, the ordinary vicissitudes of human life were not entirely eliminated. He would, however, say, with regard to the First Commissioner of Works, that he had never shared—he would not say the general, but the not inconsiderable condemnation which had been expressed in regard to his proceedings, a condemnation arrived at in ignorance of many circumstances connected with the facts of the case. He (Mr. Lowther) had had occasion before now to mark by his vote his opinion of the right hon. Gentleman's manner of proceeding upon certain architectural matters, and wrangles upon such affairs as lighting fires in hot-houses and gardens in the metropolis and elsewhere, and he believed that the right hon. Gentleman had always been considered by a discriminating section of that House—and a not inconsiderable portion of the public—as having watchfully exercised most important executive functions in controlling the excessive desire on the part of many subordinate public functionaries to gratify the hobbies, and even the crotchetts, of a limited section of society at the expense of the public purse. He thought that the right hon. Gentleman had been somewhat precipitately thrown over by the Prime Minister. The First Commissioner had stated explicitly and clearly his view of the doctrine of Ministerial responsibility, which had been confirmed by the Postmaster General and the Chancellor of the Exchequer at no distant period; and whatever might be the views of the Prime Minister on the point—and for the most part they were sound—he had not during five years succeeded in inculcating those views upon those Colleagues with whom he was most closely identified. He trusted that the House would not allow this occasion to pass without expressing its deep sense of the importance of the question of Ministerial responsibility. No more important

question could be submitted to it, and he hoped that the House would not allow the Session to close without recognizing the grave public danger of allowing Ministers to shift from one to another the burden of Departmental and Ministerial responsibility.

MR. RYLANDS said, although on many occasions he had differed from the right hon. Gentleman, yet he himself, and he thought they all, believed that the First Commissioner of Works was one of the most valuable of public servants. He never lost his head, and before committing himself to any expenditure he always liked to see beforehand how much it would amount to. He trusted that this remarkable discussion would be attended with beneficial results. It had been found that the Chancellor of the Exchequer had great powers of silence, but a policy of that kind would not always be successful. The House of Commons was not likely to vote a large sum of money because the Chancellor of the Exchequer chose to override the First Commissioner of Works and then refused to give him any information. He felt much indebted to the Prime Minister for having taken a course which would prevent the House from being compromised on this Vote. His opinion was, that the Board of Works was not an executive Department in reference to its own business, but was under the control of the Treasury; and that if there was to be a control Department it should have distinct statutory powers to enable it effectually to control the expenditure and preparation of Estimates by the subordinate Departments.

MR. NEWDEGATE said, that he felt much indebted to the right hon. Gentleman the Member for Kilmarnock (Mr. Bouvierie) for having raised the question; because, although he (Mr. Newdegate) did not wish to undervalue the Vote which the House was asked to pass, a much graver question was involved in the discussion which had been promoted by the right hon. Gentleman, and that was, what was Ministerial responsibility? There was a collective responsibility on the part of the Government; but it would be a very great misfortune if, in that collective responsibility, the individual responsibility of Members of the Government were to be submerged or ignored. The Government existed

through confidence, and it was a confidence extended to them collectively, and not merely a confidence reposed in the head of that Government; and as a Member of this House, he begged to thank the First Commissioner of Works for having refused to ignore the pledges he gave to his constituents, and his position as a Member of the House; or to evade, or seek to evade his responsibility for the opinions he had expressed, and by the expression of which he gained the confidence of his constituents, and established his position in this House; because he (Mr. Newdegate) held this—that when the right hon. Gentleman found himself unable to give the explanation which was demanded as to the purpose for which this space of ground and Embankment was eventually intended, the right hon. Gentleman behaved much more respectfully to the House, and much more consistently with his position, by at once avowing that he was unable to give that information, than if he had invented some excuse or put forward the idea of some project for the validity and carrying out of which he was fully conscious that he had no security to offer. Under these circumstances, he (Mr. Newdegate) rejoiced that this discussion had taken place. In his opinion, the right hon. Gentleman the First Commissioner of Works had vindicated his position not only as a Minister, but as a Member of the House.

MR. COWPER-Temple thought the House had been fortunate in having elicited from the Prime Minister so clear and constitutional a statement of the doctrine of Ministerial responsibility. The practice of that House had, however, more weight than any theory, and the practice of the present Government had differed very widely from the doctrine laid down by the right hon. Gentleman. The head of the Department which had charge of the Vote found fault with it, and the scene of that day was unexampled. When the First Commissioner undertook to justify the Vote, he should have acted on the theory of the Prime Minister, and accepted his share of the responsibility. The Board of Works was by Act of Parliament subordinate to the Treasury, and if the Treasury had interfered with the right hon. Gentleman, and if the Estimate was really that of the Treasury, why had not the Secretary to the Treasury taken charge

of it, and explained it to the House? As it was, the House was between two stools, and had neither the responsibility of the First Commissioner nor the Treasury. It was the first scene of the kind the House had ever witnessed, and he trusted it would not be drawn into a precedent. The First Commissioner of Works should have done one of two things. If the Estimate was so contrary to the right hon. Gentleman's convictions, he should have declined to propose it for the acceptance of the House. If, on the other hand, he took the official charge of the Vote, he ought not to have come down to the House to complain of the Treasury, and endeavour to attract the sympathies of the House on the ground that he had been ill-used. That was not the way in which the business of the public ought to be done. Such a course deprived the House of its fair right to know who was responsible for the Estimates, and what was to be done with the money to be voted. The statement of the Prime Minister, that this money was not going to be laid out in the manner against which the First Commissioner protested, was satisfactory to the House; but this was a most improper way of bringing the Estimates before the House, and he repeated that he hoped it would not be brought into a precedent.

MR. WHITWELL said, that it was not the First Commissioner of Works but the Secretary to the Treasury who moved the Estimate. He did not see how the First Commissioner of Works could do otherwise, under the circumstances, than to say that he knew nothing about the Vote. He trusted that the result would be that these Votes would be drawn up in a more precise and definite form for the future.

MR. GLADSTONE: I will ask the indulgence of the House to say that I may have spoken rather too sharply to the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt) when I denied having denounced expenditure which I myself proposed. I intended to say that I had pursued the same course in the late and in the present Government.

MR. HUNT: I did not take exception to the right hon. Gentleman's manner as being uncourteous.

Question put, and agreed to.

The next Resolution agreed to.

(8.) £5,000, Supplementary Sum for the superintendence of Convict Establishments, and for the maintenance of Convicts in Convict Establishments in England and the Colonies.

"That a Supplementary sum, not exceeding £5,000, be granted to Her Majesty to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1874, for the Superintendence of Convict Establishments, and for the maintenance of convicts in Convict Establishments in England and the Colonies."

On Question? That this House doth agree with the Committee in the said Resolution,

MAJOR ARBUTHNOT thought the House ought to have further explanations upon the Vote before it was passed.

MR. BRUCE said, that Millbank Prison, owing to faulty principles of construction, cost £3,000 a-year more for its maintenance than a properly constructed prison would cost. £3,000 a-year capitalized would amount to some £90,000, and for this sum he would undertake that an efficient prison should be built by convict labour, and a valuable site of 24 acres would then be at the disposal of Parliament. With the ulterior disposition of the site he had nothing to do. Parliament would have the subject in its own hands, and was in no way pledged to make use of Millbank for the purposes of cavalry barracks, in place of those at Hyde Park.

MR. LIDDELL said, he had no faith in the value of forced labour. The proposed new prison might be cheaply built by convicts; but he doubted whether the work would be good work, and whether the prison would not in the end be more cheaply built in the ordinary way.

MR. BRUCE knew his hon. Friend to be one of the most candid men in the House, and could show him additions made at Pentonville and a chapel built at Portsmouth entirely by convict labour which would convince his hon. Friend that the work could not have been better done by the most skilled labour in the country.

MR. HERMON said, he wished to point out that convict labour in those cases was congregated. Did the right hon. Gentleman propose to bring up troops of convicts to build the new prison, and had he considered the difficulty attending such an operation?

MR. GILPIN, having watched the results of convict labour, agreed with the Home Secretary that the work thus done was equal to anything done by unforced labour.

MR. BBUCE said, all the circumstances of the case had been considered, and no difficulty was apprehended in the case.

Question put, and *agreed to*.

The next Eleven Resolutions *agreed to*.

Twentieth Resolution,

"That a sum, not exceeding £10,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1874, for the enlargement of Dover Harbour," read a second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

MR. RYLANDS said, the Vote was brought forward late on Monday night, or rather Tuesday morning, and it was only by mistake that a division was not then taken upon it. He thought no sufficient excuse had been offered by the Government for having put off to this late period of the Session a Vote of this character, and he objected to the large expenditure which the project was likely to involve. The history of it was this—Originally a Bill was prepared by the Dover Harbour Board, by which certain improvements were to be carried out for the benefit of the trade of the port and of railway companies who had their termini at Dover. The Bill came under the notice of the Admiralty and War Departments, who thought it afforded them an opportunity of reviving an old scheme for making a large harbour of refuge and strengthening the approaches to Dover. Two eminent engineers—Mr. Hawkshaw and Sir Andrew Clarke—were engaged to report on the subject. Their estimate was that the scheme would cost some £850,000, of which the South Eastern and the London, Chatham, and Dover Railway Companies were to bear a certain proportion. A most absurd balance-sheet was prepared by the Harbour Board of their estimated receipts and expenses, and it showed that in the course of 20 years they would have a surplus, in addition to paying interest to the amount of £30,000, of £60,000 a-year. The Treas-

sury condemned these calculations as being delusive. They also condemned the scheme, on the ground that the railway companies had not agreed to terms which would render them contributory parties; and on the ground that it was immature. However, on June 13, 10 days after pronouncing this condemnation, without any change of circumstances meanwhile, the Treasury assented to the scheme, apparently for no other reason than that the War Office, the Admiralty, and the Board of Trade had sanctioned it. This was an instance of the weakness of Treasury control. The Treasury were pertinacious in small matters; they tried the temper of the House by this pertinacity in small things; and it was therefore most disappointing that the Department should allow their convictions to be over-ruled, and that the Government should at the end of July place upon the Table an Estimate for £10,000, which would commit the House to an expenditure of at least £850,000, and in all probability of a much larger sum. He would express no opinion upon the merits of the scheme; but upon the ground that according to the Treasury's own admission the scheme was immature and the Estimates unreliable, he appealed to the Government to postpone the Estimate until next Session, when there would be an opportunity of discussing it.

COLONEL BARTTELLOT said, he thought the Government could have no difficulty in coming to the conclusion advised by the hon. Member for Warrington. Since this Vote had been determined upon, some definite plan must have been formed in reference to the scheme by the heads of the Admiralty, the War Department, and the Board of Trade; and, if so, the whole plan should be laid on the Table. That should have been done, in fact, at the commencement of the Session, and he protested against the course which the Government were taking in the matter. The House ought not to be asked to vote £10,000 in this manner for a work which would cost £850,000, and might, before its completion, cost £1,850,000, but ought to have a definite plan before it to decide upon. He protested against a subject of this importance being brought forward at the very end of the Session.

MR. CHICHESTER FORTESCUE said, that the hon. Member for War-

rington (Mr. Rylands) and the hon. and gallant Member for West Sussex (Colonel Barttelot) could not have read the Report and studied the plans for the extension of the harbour at Dover, which had been laid before Parliament for the last 10 days, or they would not have spoken on the subject as they had. That Report and those plans were the fruit of the labours of Mr. Hawkshaw and Sir Andrew Clarke. There could be no higher authorities. The latter had carried out most important harbour works; his estimates had never been exceeded, and he had every confidence that he had not made any miscalculation in the Estimate before the House. The reason why the Vote had been brought forward so late in the Session was, that a private Bill had been introduced dealing with Dover Harbour from the point of view of private interest. The three Departments were thus compelled to look into the matter and see what should be done; and they were unwilling year after year to continue what might be called a dog-in-the-manger policy, by raising objections to private schemes for improving Dover Harbour, without being able, on the part of the Government, to suggest any plan of their own. The negotiations entered into with the promoters of the Private Bill led to a prolonged correspondence, and necessarily delayed the Vote. With regard to the resources of the Dover Harbour Board, upon which it was proposed that a loan should be made by the Public Works Loan Commissioners, it was intended to increase those funds by enabling a passenger duty to be levied upon passengers making use of Dover Harbour. The Treasury had satisfied themselves that the surplus revenue of the Harbour Board would enable the Public Works Loan Commissioners to advance a very large portion of the funds required for the construction of this work. Parliament had already laid out £750,000 upon the Admiralty Pier at Dover, which was only a fragment of the intended works, and supplied only a partial advantage to the harbour. He believed that from every point of view it was desirable, in the public interest, that the scheme now proposed should be carried out through the instrumentality of the Dover Harbour Board, and it would be a pity not to make a start in the present year.

MR. COLLINS said, he wished the House to pause before granting the Vote. In the case of the Harbour of Alderney, it was only to cost £500,000, but in the end the actual expenditure upon the work was near £2,000,000; and now they had to choose whether they should let the harbour go to decay, blow it up, or put it in repair. That experience should teach them to be careful how they embarked in a similar course of expenditure; and he urged that the Government should not persevere with this scheme at the present period of the Session.

MR. KINNAIRD supported the Vote, knowing that there was a most anxious desire on the part of France to improve the Channel communication, and when so small a sum was asked for to commence the work he did not think the policy of delay was a wise one. He thought the country would support the House in endeavouring to improve the means of communication between the two countries. With regard to the works at Alderney, he thought it would be cheaper to lay out more money upon the harbour there, so as to make it effective, than to blow it up.

MR. R. N. FOWLER said, the French Government, if they were so anxious to improve the communication between the two countries, should set us the example by improving their own harbours. You could get into Dover at any time of the tide, but not into Calais or Boulogne. This was a most important matter, and as it would involve a vast expenditure he did not think the House ought to proceed with it on almost the last day of the Session.

MR. BECKETT-DENISON reminded the House that the proposed works had nothing to do with the Admiralty Pier, which was now unfinished, but formed part of an entirely new scheme. In his opinion, the plans required more mature examination than they had yet received, for the Correspondence showed that up to a very late date the authorities themselves had not come to a conclusion as to what was the best scheme. From every point of view it was important that Dover should be made a first-class harbour; but at this late period of the Session it would be well for the Government to withdraw what seemed to him to be a crude and ill-digested proposal.

MR. GOSCHEN, in reference to the assertion that the scheme had not received the mature attention of the Government, said, it had received the most earnest and accurate attention of the authorities engaged; and, speaking for the Admiralty, he would say that they attached the greatest importance to the carrying out of this plan. The Government thought it to be their duty to construct a harbour which would not only serve for naval purposes, but facilitate communication between this country and France; an object, he need scarcely say, most earnestly desired. The Government were not proposing a new scheme; but they were substituting a new terminus for the work which was originally designed. It had always been contemplated that the harbour was to have two piers, the Eastern and the Western. The Western pier had been completed; the Eastern remained to be done. Various plans had been proposed for improving Dover Harbour for commercial purposes; but the Admiralty and the War Office were under the disagreeable necessity of rejecting them, because they interfered with the completion of the Admiralty Pier. Under these circumstances, the Government thought it their duty to propose a plan which would combine the double object, and it had received the sanction of the local authorities and the railway companies, as also that of eminent engineers and the Hydrographer of the Admiralty. With respect to finance, the sum to be contributed by the public funds would not be considerable, as it would be supplemented by contributions from harbour dues and from the railway companies, and also from a passenger tax. He trusted the works would not be deferred until next year.

MAJOR DICKSON expressed a hope that, as the proposed expenditure would be money well laid out, and absolutely necessary, in the interests of the town of Dover and of the navy and merchant shipping of the country, the Vote would receive the sanction of the House.

SIR JOHN HAY believed that the Public Works Loan Commissioners, of which body he was a member, had made no Report upon the subject of the security for advances to be made for the completion of the work. [Mr. CHICHESTER FORTESCUE said they had not.] The House, then, was now called upon, in

the absence of full information, to sanction a small loan; but it was one which involved the ultimate expenditure of £850,000. For his part, he thought, however advantageous it might be to complete Dover Harbour, it would be wiser to defer the Vote till next year.

MR. W. H. SMITH thought it very unwise to impose restrictions upon the passenger traffic between France and England, and inquired what the amount of the passenger tax would be?

MR. WHITWELL also thought the House should be informed what the passenger tax would amount to, and whether a fixed revenue would be paid by the railway companies?

MR. J. LOWTHER said, that according to the new view of Ministerial responsibility, the Government were not bound by the views of the First Lord of the Admiralty. He did not object to the passenger tax, and was not unfavourable to the Vote; but he thought the House should be informed to what extent it was proposed to tax passengers.

THE CHANCELLOR OF THE EXCHEQUER said, it was stated in the Treasury letter which was on the Table with the other Papers that the passenger tax would amount to 1s. a-head—6d. only, however, to be levied after the completion of the landing jetty, and the 1s. to be deferred until the completion of the works. It was not intended that the railway companies should escape from contributing to the expense.

MR. HUNT thought even 6d. a very high passenger tax, and hoped the House would hesitate before they sanctioned a scheme which involved such an impost.

MR. MILLER strongly recommended the House to be cautious before they hurriedly assented to a Vote which involved so many serious considerations.

MR. ILLINGWORTH gathered from the smallness of the Vote that the object in view was not so much to carry on the works as to commit the House to the future expenditure which those works involved. As to reference about Alderney Harbour, it was commenced in the days of a generation now passing away. If it were intended to secure peace by increasing the means of communication between this country and the Continent, the object was praiseworthy; but he would suggest that the Vote should be postponed.

MR. HERMON observed, that the passenger tax would be an indirect way of taxing French shipping, and would probably interfere with the Treaty of Commerce.

Question put.

The House divided:—Ayes 61; Noes 60: Majority 1.

The next Two Resolutions agreed to.

#### SUPPLY—NAVY ESTIMATES.

(23.) £167,740, Freight of ships, &c.

"That a sum, not exceeding £167,740 be granted to Her Majesty, to defray the expense for the Freight of Ships, for the Victualling and for the Conveyance of Troops, which will come in course of payment during the year ending on the 31st day of March, 1874."

On Question? That this House doth agree with the Committee in the said Resolution,

MAJOR ARBUTHNOT said, that owing to certain regiments not having been relieved according to the Queen's Regulations, they had suffered great hardships in the passage home from North America. He had been informed that the thermometer stood much below 23 degrees, the point mentioned as the lowest reached during the voyage by his right hon. Friend opposite the Secretary to the Admiralty, in reply to a Question of his; and, indeed, he had seen the transport ship on her arrival covered with many tons of ice. He had been informed that in the daytime the temperature was below zero, and at night it must have been much lower. He hoped that when the *Himalaya* returned from the Gold Coast inquiries would be made into the matter. Ministers ought to impress on those who prepared their Answers to Questions put in that House the desirability of not treating them as if it did not signify what answers were given.

MR. GOSCHEN said, he had the greatest reliance on the credibility and honesty of the gallant Admiral who, at his request, investigated the case and gave him information, and he could assure the hon. and gallant Gentleman that Heads of Departments who supplied Ministers with answers were quite sensible of the necessity of candour and truth. It was not right, therefore, that such imputations should be cast on them. What the explanation of the

discrepancy as to temperature might be he could not say; but there was no desire to throw dust in the eyes of the House. The greatest care was taken with respect to the transport of troops at the proper season and to the comfort of the troops.

LORD ELCHO remarked that the House had nothing to do with the sources of the information supplied by the Heads of Departments in the House. Those Heads alone were responsible, and not their subordinates.

MR. GOSCHEN concurred in this, explaining that his remark had been elicited by the hon. and gallant Member's wish to acquit himself at the expense of his subordinates.

LORD ELCHO asked whether the question of placing the transport service under the War Office was under consideration, and whether the Resolution of the House that soldiers under 20 should not be sent to India had been acted upon?

SIR HENRY STORKS replied that the complicated question of the transport service was under the consideration both of the War Office and the Admiralty. The Horse Guards had, to the best of their ability, taken care that no man under 20 embarked for India.

MAJOR ARBUTHNOT disclaimed any reflection on the truthfulness of subordinates preparing answers, and any wish to fix the responsibility on them.

Question put, and agreed to.

(24.) £12,000, Supplementary Sum, Navy (Scientific Branch).

"That a Supplementary Sum, not exceeding £12,000, be granted to Her Majesty, to defray the expenses of the Scientific Branch of the Navy which will come in course of payment during the year ending on the 31st day of March, 1874."

On Question? That this House doth agree with the Committee in the said Resolution,

LORD ELCHO called attention to the Vote of £4,000 for cases for naval models to be transferred from South Kensington to Greenwich. He expressed a hope that the models should be complete, and was advertizing to the mode of working the guns of the *Devastation* by hydraulic pressure, when

MR. SPEAKER said, the noble Lord could not find on the Vote a discussion on the guns of the *Devastation*. Among the items of the Vote was a sum of

£4,000 for supplying cases for models; but it was not open to the noble Lord upon such a Vote to discuss the structure of guns.

LORD ELCHO, after alluding to the few opportunities now enjoyed by private Members of raising discussions, asked the right hon. Gentleman whether he was out of Order in discussing the principle of working guns?

MR. SPEAKER said, that the Vote being for cases for naval models, the noble Lord was out of Order in discussing upon a Vote of that limited character the system of gunnery in the Navy.

LORD ELCHO thereupon stated that he should resist any attempt next Session to renew the Resolution as to Motions on going into Committee of Supply.

MR. GOSCHEN said, every care would be taken to make the collection at Greenwich as complete and satisfactory as possible.

Question put, and agreed to.

Subsequent Resolutions agreed to.

#### FACTORY ACTS AMENDMENT BILL.

[BILL 47.]

(*Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Philips, Mr. Cobbett, Mr. Anderson.*)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [11th June], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

MR. FAWCETT, in rising to move the following Amendment:—

"That, in the opinion of this House, it is undesirable to sanction a measure which would discourage the employment of women, by subjecting their labour to a new legislative restriction to which it is not proposed to subject the labour of men,"

spoke as follows:—Mr. Speaker\*: It will be in the recollection of the House that at the close of the long speech with which my hon. Friend the Member for Sheffield (Mr. Mundella) introduced the second reading of this Bill, not more than about five minutes remained before the debate, by the Rules of the House, had to be suspended. It was only possible for me, during these few brief minutes, to protest against some asper-

sions which had, I thought, been unjustly cast upon the character of those employers who are opposed to this measure, and to indicate in very general terms the reasons which have induced me to meet the second reading of the Bill with the Amendment of which I have given Notice. In order to present as clear an issue as possible to the House, I am desirous at the outset to state that the Bill may be divided into two entirely distinct portions. One part of the Bill asks us to legislate for children; by another part of the Bill it is intended both directly and indirectly to subject the labour of adults to certain new legislative restrictions. So far as the Bill affects the employment of children, I have not a single word to say in opposition to it. On the contrary, no one would more cordially welcome proposals to raise the age at which children should be permitted to commence working, to extend the period of half-time, and to provide additional securities for the more efficient education of children when employed as half-timers. So far as we are able to judge from the opinions which have been expressed by employers in reference to the employment and education of children, it would appear that the portion of the Bill which refers to children might be passed with the general approval of the House. It is important to bear this in mind, in order to obtain a distinct idea of the real points at issue between the supporters and the opponents of the Bill. It has been attempted to make the country believe that many of the employers are anxious to have children overworked, and are perfectly indifferent to their education. Probably there is no one in this House who is pecuniarily less interested in industrial undertakings than I am. I have not a shilling embarked in any one of the trades which would be affected by this Bill. This has been one reason which has induced me to assume the responsibility of opposing the Bill. If the Amendment of which I have given Notice had been moved by some employer, interested motives would not improbably have been attributed to him, and perhaps he would have been accused of being more solicitous for his own gains than for the welfare of his workpeople. As it may be difficult for many of the employers to defend themselves without being charged with self-laudation, I feel bound in com-

*Mr. Speaker*

mon fairness to say that many of those who are most prominent in opposing this Bill are acknowledged to be among the best employers in the country. It has been admitted that there is no one in Lancashire who is more respected by those whom he employs for his great generosity and his judicious kindness than Mr. Hugh Mason, and there is no one who has written and spoken with greater ability and force against the proposals in this Bill to subject the labour of adults to legislative restrictions. Many hon. Members of this House, who hold opinions similar to those of Mr. Hugh Mason, are as much esteemed as employers as he is. Having made these few remarks in defence of those who, in the course of the agitation which this measure is likely to excite, will doubtless be subjected to many unjust insinuations, I will at once ask the House to consider the vitally important issues which are raised by this Bill so far as it will affect the labour of adults. It can, I think, be proved beyond dispute that this measure must operate in one of two ways. It will either be a Nine-hours Bill for men as well as for women, or it will place the labour of women under such serious disadvantages as greatly to restrict their employment. If the Bill is intended to be a general Nine-hours Bill, then the House has not been fairly dealt with; for why do not the promoters of the measure boldly come forward and tell us what they want? If they want this House to decide how long the artizans of this country shall be permitted to work, let them at least have the courage to tell us at what they are aiming. Do not let them cloak their intentions in the garb of a generous zeal for the welfare of women. I am perfectly ready to admit that the hon. Member for Sheffield has emphatically denied that this is a general Nine-hours Bill. He has told us that nothing would induce him to have anything to do with a Bill which would impose legislative restrictions upon the labour of men. But there may be the widest possible difference between what the promoter of an Act of Parliament wishes to be its consequences and what its ultimate consequences may actually be. The hon. Member may not intend this to be a general Nine-hours Bill, but it may become one, in spite of anything that he may say or wish to the contrary. But if it is

not, as he asserts, a general Nine-hours Bill, then it can at once be proved that the Bill must most seriously interfere with the employment of women. The labour of men and women is so inextricably intertwined in the various manufacturing processes, that it seems nothing can be more absurd than to suppose that the women, after working nine hours, should be compelled by law to leave the factory, and then the men should go on for another hour working without them. It is therefore absolutely certain that if women are not permitted to work more than nine hours a-day, one of two things will occur: either the manufacturers will be unable to employ their men for more than nine hours a-day; or, if they wished to keep their machinery working for a longer period than this, they would only be able to do so by dispensing with the labour of women altogether or by employing them in double shifts, like half-time children. It can only be proved by experience which of these results will ensue. In those branches of industry in which the labour of women is indispensable—and I believe this is the case with the great majority of industries affected by this Bill—it is evident that if we impose certain legislative restrictions upon the labour of women, we virtually impose the same restrictions upon the labour of men. In some branches of industry, however, in which women form a very small minority of the entire number who are employed, this Bill would probably have the effect of causing the labour of women to be altogether dispensed with, or of reducing them to the position of half-timers. The question, therefore, which the House has to determine is this—Are we, in the first place, prepared for some of the most important trades in the country to enact a general nine-hours' law? Or are we prepared, with regard to other trades, to discourage and prohibit the employment of women? We probably have never been asked to give a decision upon issues of greater importance. Let me begin with the first. I am perfectly well aware of the prejudice which will be industriously excited against those who oppose such legislation as is now contemplated. It therefore becomes of greater consequence that we should make the grounds of our opposition as intelligible as possible.

I therefore desire, in the first instance, to affirm that this House has no right to interfere with the labour of adults; and, secondly, if it had the right, it would be singularly impolitic to exercise it at the present time. If we once accept the principle that grown-up persons cannot determine for themselves the number of hours which they shall work, we virtually treat them as if they were helpless children, who find it so impossible to get on without our control and guidance, that we shall soon have to regulate their wages. And when are we asked to start on this career of paternal legislation? When are we asked to wrap the artizan population of this country in the swaddling clothes of babyhood? Why, at the very time when our working classes are proving, in a thousand hard-fought industrial contests between themselves and their employers, that they have not only the will but the power to protect their own interests. But even if the State had the right to decide how many hours a-day a grown-up person should work, I confidently appeal to the House, whether it would not be impolitic to exercise this right. My chief contention is this—that the working classes can settle such a question as this far better for themselves than the State can settle it for them. No one now would think of invoking the aid of Parliament to determine the amount of remuneration which our artizans should receive for their labour, and if they can regulate the amount of their wages, why, in the name of common sense, cannot they also arrange the number of hours which they shall work? Not only have they the power to decide for themselves what shall be the length of the day's work, but I believe they will decide it far better without than with the interference of this House. Employers and employed know the peculiar circumstances of each branch of industry infinitely better than they can be known by this House. Employers and employed, if left to themselves, can make such arrangements as are most fitted for each special trade. Occasionally it may happen that it may be desirable to work somewhat longer than the ordinary time. The employed recognize the truth of this just as much as do the employers, for it is particularly to be noted that in those trades where the employed have been

most successful in shortening the hours of labour, they have always suggested certain arrangements for occasionally working overtime. Arrangements for controlling trade, which are voluntarily made between employers and employed, have not the rigidity and unchangeableness of a legislative enactment. They possess sufficient elasticity to be adapted to the peculiar circumstances of each special case; but this Bill, on the contrary, proposes to lay down one uniform rule for a great variety of industrial processes which often differ widely in the character and quality of the work they require. If we pass this Bill, it will be decreed by an inflexible rule, that in the most important trades in the country no women shall, under any circumstances whatever, work for more than a prescribed number of hours. It has been said, and it will no doubt be often repeated, that it is now too late to raise objections to Parliamentary interference with the labour of adults; such interference was sanctioned by the Factory Acts, and no one would now think of repealing them. As I have before remarked, so far as these Acts refer to the labour of those who are not adults, not only do I not wish to repeal them, but I should be perfectly willing to strengthen them, and to attempt to render them more efficient. But legislative interference with the employment of adults cannot, at the present time, be regarded in precisely the same light as it was when the Factory Acts were passed, a quarter of a century since. The trade of the country has now to contend with many difficulties which were then scarcely foreseen. I shall presently refer to the serious effects which may be produced upon the industrial future of our country by the rise in the price of coal. Again, if the existing Factory Acts are to be quoted as a conclusive argument in favour of this Bill, the same kind of reasoning would justify an eight—nay, even a seven—hours Bill. Lastly, it may be asked—what becomes of the great progress in the people's condition, which was quoted as an unanswerable argument in favour of their political enfranchisement, if they require the protection of the State just as much now as they did 25 years since? Those, I think, do a very serious injury to the working classes, who are perpetually encouraging them to ask the State to do

what they could far more effectually do for themselves. It has lately been shown how much more promptly and properly a matter is dealt with when the people take it into their own hands than when they rely upon Acts of Parliament. It will be in the recollection of the House that last year the Home Secretary introduced a Bill with the view of putting down truck. Something like 60 Acts had already been passed with the same object, and we were told that, in spite of all this legislation, truck was flourishing as vigorously as ever. Directly I read the Bill of the Home Secretary, I determined to oppose it with an Amendment which asserted the principle, that all questions as to the time when, and the manner in which, wages should be paid, had better be settled by the employers and the employed rather than by Parliament. Many came to me then, as they have come to me now, and said—"We wonder that you are insensible to the evils of truck, and that you wish to see them perpetuated." I simply replied—"If I held such opinions as you attribute to me, I would do all in my power to promote the passing of the Home Secretary's Bill; because experience has shown that innumerable Truck Acts may be passed, and truck will continue to exist, until those who are interested in its discontinuance take the subject into their own hands." It could scarcely have been foreseen that the truth of what has just been stated would be so soon proved. The Bill happily not having passed, the Home Secretary was lately asked whether he intended to re-introduce it during the present Session. What was his reply? It was so significant, that I earnestly commend it to the particular attention of this House. After having stated that he did not intend to re-introduce the Bill this year, he went on to confess that one of the chief reasons which had induced him to come to this decision was, that since his failure to legislate last year the working classes had to a great extent taken the matter into their own hands, and had by their own voluntary efforts abolished truck. If Parliament would only once declare that it would never have another Truck Bill introduced into this House, I believe that, in five years, all that is mischievous in connection with truck would have ceased to exist. Just in the same

way do I believe that if we would once declare that it was entirely beyond the province of this House to decide how many hours an adult should work, we should do far more to cause the day's work to be adjusted to such a length as would be most advantageous both for employers and employed, than will ever be done by such a Bill as we are now asked to approve. This is not simply a theoretical opinion; for it is to be particularly remarked that those trades in which the hours are at the present time the shortest are exactly those to which it has never been proposed to apply any legislative interference. In the nine-hours struggle which commenced in Newcastle, and has been so successfully continued in other parts of the country, the aid of Parliament was never invoked. But the hon. Member (Mr. Mundella) will probably rejoin: "It is very well to leave men to take care of themselves. They are independent, they are free, they have the power to do what they think is best for themselves. But when we come to consider the case of women, what are they?" The hon. Member has told us that they are servants up to the age of 16 or 17; they then enjoy a year or two of independence; they then marry, and are henceforward the slaves of their masters. In the former debate, some who are opposing this Bill were taunted with being "cold-blooded economists." But we have never been so cold-blooded as to bring such an accusation against our fellow-countrymen. If this assertion were as correct, as I believe it to be incorrect, instead of sending an expedition to Zanzibar to put down the slave trade, we ought to send an expedition to Lancashire and Yorkshire to emancipate our countrywomen from the fetters in which warm-blooded philanthropists are content to see them bound. But the hon. Member was shrewd enough to see that the principles of his Bill forced him into the position of saying that the women for whom he proposes to legislate are slaves. There is only one justification for limiting the hours of labour of women, unless it is proposed to subject the labour of men to similar legislation, and that is, that women are not free agents. This is, in fact, the justification for legislating on behalf of children: they are not free agents; and this suggests at once the fundamental distinction between State intervention on

behalf of children and on behalf of adults. But we now have to consider what may possibly be the second effect of this legislation—namely, that it may in some instances discourage the employment of women. Anyone who considers the social condition of this country; anyone who knows how many women there are who have a severe struggle to maintain themselves by toil; anyone who reflects that if a woman is driven from honest labour, she may be forced by dire necessity into a life of misery and degradation, will hesitate to sanction legislation which may possibly have the effect of throwing impediments in the way of women earning their own maintenance. I know that the workmen who are demanding this Bill indignantly repudiate the idea that they are jealous of women's labour. No one would more regret than I should to bring against them any unjust accusations. We are bound at once to accept their assurance that they are no longer influenced by any jealousy of women's labour, and we may indeed rejoice that that is not to happen in the future which has, undoubtedly, sometimes occurred in the past. For fairness compels me to say that our workmen have not always been uninfluenced by this jealousy of women's labour. We cannot forget that some years ago certain trades-unionists in the Potteries imperatively insisted that a certain rest for the arm, which they found almost essential to their work, should not be used by women when engaged in the same employment. Not long since, the London tailors, when on strike, having never admitted a woman to their union, attempted to coerce women from availing themselves of the remunerative employment which was offered to them in consequence of the strike. But this jealousy of women's labour has not been entirely confined to workmen. The same feeling has extended itself through every class of society. Last autumn some of the Post Office clerks objected to the employment of women in the Post Office, which had been so wisely decided upon by Mr. Soudamore; and we have lately had abundant opportunities of judging of the extent to which the medical profession is jealous of the competition of women practitioners. I think it necessary to make these remarks, as we should at any rate be very cautious and very watchful when we are

asked to interfere with the employment of women. But we have been told that one of the great arguments in favour of this Bill is, that it is demanded by the fathers and husbands of the women affected by it. But, in pressing this argument, does the hon. Member forget that upon his own authority we have been assured that these very women are in servitude and slavery to these fathers and husbands, and therefore he asks us to place ourselves in the ridiculous position of letting those whom he has himself described as slave-masters, decide what is best for their slaves? But enough has now probably been said on the general principles involved in this Bill. I will therefore proceed to deal with the specific facts and statements on which the hon. Member supports his case. The Government, through the Home Secretary, having stated that—

"Greatly as our knowledge has been supplemented by the Report of the Commissioners recently appointed to investigate the condition of the women and children employed in factories, it is not large enough to justify the great economic changes proposed by this Bill,"

the hon. Member naturally came to the conclusion that this assertion of the Home Secretary must be controverted. Anyone who reads the hon. Member's remarks in the previous debate, and at the same time remembers with how much ability and ingenuity he can speak, will at once see how extremely weak is his case. Instead of directly meeting the assertion of the Home Secretary, he endeavoured to disprove it by introducing a great mass of matter entirely irrelevant to the measure we are now considering. We remember, for instance, the piteous picture he drew of women coming to work in all weathers, bedabbled in mud and wet up to their middles. He surely does not think that his Bill will regulate the elements, and convert a wet day into a fine one. It really might be thought that there was a clause in the Bill to supply women with waterproof cloaks and umbrellas. He also gave a harrowing description of the evils resulting from working in bad smells and in ill-ventilated rooms; but we look in vain in the Bill for a single sanitary regulation. Again, we had a frightful account of the increasing number of accidents. The fallacies involved in these statistics of accidents will be referred to by subsequent speakers. But

it is sufficient here to say that even if it is admitted that accidents have increased, this Bill can exert no influence whatever in diminishing their number. There is not one word in it which would either cause machinery to be better fenced, or which would enable those who may be injured more easily to obtain compensation from their employers. We next listened to an eloquent description of the terrible consequences which ensue from a woman returning to work too soon after her confinement. On the authority of the Commissioners we were told that when a woman thus returned to work, it was virtually a sentence of death to the child. But if this Bill became law to-morrow, a woman would be able to return to work within a week, nay, even a day, of her confinement. It was next attempted to shame this House into accepting this Bill, because we were asked to believe that in factory legislation, we were behind almost every other European country. In one respect this is no doubt true. In those countries, such as Prussia, where there is a general system of compulsory education, greater security is taken for the education of factory children than is the case in our own country; but, as I have before said, this is not the part of the Bill which we are opposing. We are as anxious as the hon. Member for Sheffield can be to provide additional guarantees for the education of factory children. The point of difference between him and us is, that we object to the new restrictions which he wishes to impose upon the labour of adults; and with regard to this kind of legislative interference, instead of being behind other European countries, we have already imposed restrictions far more stringent than those which have been imposed in Germany, Austria, Baden, Holland, Belgium, Italy, Switzerland, Sweden, Russia, or France. *The Beakie*, newspaper, the leading organ of the trades-unionists in this country, which has not only warmly supported the hon. Member's Bill, but which has with the utmost asperity attacked those who venture to oppose it, has recently said—

"England is, without doubt, far in advance of every country in this matter, whether we consider the law itself, or the strictness of its execution."

Again, the hon. Member for Sheffield endeavoured to make it appear that the

employment of women in the textile manufactures produced great mortality, and was particularly destructive of infant life. He seemed to think that he had proved his case when he showed that there was a much greater mortality among women in the manufacturing districts than there is in four towns in the Black Country. These four towns were alluded to as if they were so unhealthy that the sanitary condition of a district must be most deplorable if it had a higher rate of mortality than prevails in these towns. But on referring to the Returns of the Registrar General, what do we discover? These towns in the Black Country, so far as the mortality of married women is concerned—and the hon. Member was careful to confine his comparison to this point—take rank, not among the most unhealthy, but amongst the very healthiest districts in the kingdom. As an instance of the caution which ought to be exercised in drawing conclusions from incomplete statistics, it may be remarked that the rate of infant mortality is not greater in the textile towns than it is in these four towns where the rate of mortality of women is so low. But now I come to certain statements which the hon. Member made, when he was not anxious to prove the unhealthiness of the manufacturing districts, but when he was pleading for their healthiness. I should be the last to accuse any man of inconsistency. We all, probably, in some period of our lives, have changed our opinions. [Mr. MUNDELLA: Hear, hear!] Oh, I quite understand that cheer. When I came into this House, when I was younger and perhaps more enthusiastic than I am now, I was more in favour of legislative interference. But is it to be supposed that anyone coming into this House when still young, is to learn nothing from experience? But the inconsistency which I am referring to with regard to the hon. Member is not a change of opinion which has gradually come over him as facts have dawned upon him or as years have rolled by. I wish to direct the particular attention of the House to certain statements he made in reference to the Report of the Factory Commissioners, when a few weeks since he was speaking in favour of the repeal of the Contagious Diseases Acts, and to compare what he then said with the

statements he made in reference to the same Report when moving the second reading of this Bill. On the former occasion we were reminded that two Commissioners had lately been down to the manufacturing districts; they had examined 10,000 children entirely at haphazard, and had found them healthy and entirely free from diathetic disease. But this is not the strangest part of the story. The hon. Member was anxious to make a point against the right hon. Gentleman the Member for Droitwich (Sir John Pakington), who had spoken in the debate on the Contagious Diseases Acts. He therefore said — “Let the right hon. Gentleman (Sir John Pakington) see the width and weight of the men of Sheffield, and then he will cease to deplore a sickly population.” Well, if the right hon. Gentleman will give a similar invitation to the hon. Member for Sheffield, and ask him to visit the textile towns, he, in his turn, will cease to deplore a sickly population; for he will discover that in the health of their population, whether estimated by the death-rate of women between 15 and 45, or between 45 and 55, or the death-rate of children under 10, the 15 principal textile towns are from 15 to 20 per cent healthier than the sanitary paradise the hon. Member has the happiness to represent. I have now gone through most of the statements of the hon. Member, and I will refer again to the remark of the Home Secretary—that although the knowledge of the Government has been extended by the inquiries of the Commissioners, the facts do not justify such a great economic change as is proposed by this Bill. I hope the Home Secretary is of the same opinion still; I hope this sensible remark of his will not be repudiated by the Government, and that upon this question he represents not only himself, but the Government. I shall be able to show from the Report of the Commissioners, who were specially sent down to ascertain the facts of the case, that the Home Secretary did not speak half strongly enough, and that he ought to have said not only that the facts did not justify the Bill, but that they absolutely disproved the necessity for this legislation. All the facts that I am about to mention are taken from this Report, and their significance is greatly increased when it is remembered that the Commissioners

evidently have a bias in favour of this legislation. In the first place, there is this most remarkable fact—they asked 163 medical men whether the present hours of labour were injurious to women. If a great majority of these medical men had answered this question in the affirmative, I could understand this Bill being introduced; but far from a majority being of the opinion that the present hours of labour are too long, only 32 out of the 163 are of this opinion, the remaining 131 distinctly affirming that the present hours are not too long. But this is not all; 171 medical men were asked whether factory labour was especially injurious to women; 99 gave a direct negative to the question, 12 returned answers which were irrelevant, and the remaining 57 chiefly confined their remarks to defective sanitary arrangements, which are injurious to men and women alike, and which are not in the slightest degree touched by this Bill. Medical testimony, therefore, entirely fails to provide a justification for this Bill. I will now refer to another very remarkable admission contained in the Report of these Commissioners. Anyone who is practically acquainted with cotton manufacturing processes knows perfectly well that the great majority of the women who are employed are engaged in the five processes of reeling, doubling, winding, warping, and weaving. The Commissioners themselves admit that three-fourths of the women employed in factories are engaged in one or other of these occupations, and they further admit that these occupations have no debilitating tendency. It is particularly worthy of remark that in almost every instance the complaints of the Commissioners refer to evils resulting either from defective sanitary arrangements, or from the employment of married women. Thus, with regard to defective sanitary arrangements, they speak of cesspools. It surely cannot be supposed that a Nine-hours Bill will empty or purify a cesspool. Once more let me say that there is not a single sanitary clause in the Bill. Then, again, with regard to the employment of married women, it is to be observed that the Bill makes no distinction whatever between married and unmarried women. It has been calculated that only a small minority of the women at work are married.

*Mr. Fawcett*

The proportion is said to be about one-tenth. [Mr. MUNDELLA: One-third of the women employed are married.] I believe such an estimate is far too high; but even if we assume it to be correct, we must remember that perhaps not more than one-third of the married women have young children. Now, the evils upon which the Commissioners lay the greatest stress are to be attributed to women going to work too soon after their confinement, and to their neglecting their young children. Now, it appears from the figures just quoted, that these evils can only happen in the case of a small minority of the entire number of women who are at work. I will now ask the House for a moment to consider some of the absurdities into which we shall be led if we are prepared to legislate upon the Report of these Commissioners. In mentioning various disadvantages associated with the employment of women and children in factories, there is one subject on which they lay particular stress. They bring forward medical evidence to show that the diseases of the digestive organs prevalent in the factory districts are induced by the excessive use of tea. Well, I suppose, if this mania for legislative interference continues, we shall soon have introduced into this House a Permissive Prohibitory Tea Bill. Having studied the Report of the Commissioners with the greatest care, I believe I am justified in saying that it does not contain one single argument to justify legislative restriction upon the labour of adults. They adduce some facts with the object of showing that certain restrictions should be imposed upon the employment of married women, and they mention many facts to prove that the sanitary condition of the mills, although improving, is still in a state which leaves much to be desired. Now, as I have occupied so much of the time of the House, I will refer very briefly to the vexed question of foreign competition. Others are far more competent to deal with it. I confess I have no special knowledge of the subject; but this I am bound to say, that considering the serious and gratifying rise of wages—serious in one aspect, and gratifying in another—considering, I say, the marked rise of wages in this country, the great increase in the price of coal, the rapid development of manufacturing industry in countries in which formerly there were few

manufactures—considering all these facts, we must come to the conclusion that foreign competition presents itself in a very different light from what it did some years since. I can speak with impartiality upon this subject, because I have no personal interest in the matter. But it is a subject which I have examined with the greatest possible care, and I believe this to be the case—that at the present time, in many most important branches of industry in this country, the competition between us and foreigners is so keen and so close, that if you place the slightest legislative impediment in the way of industrial development, the balance may be turned against us, and our trade may greatly suffer. There cannot be a greater delusion than to suppose that with regard to foreign competition employers are chiefly concerned. They have accumulated capital. If trade declines, they can retire from business and live upon their means. But the decline of trade means loss of employment to the labourer, and upon him will fall with maximum intensity the bitter consequences of industrial depression. There is one other consideration which, if the House will allow me, I will present to them for a moment. Now that the artisans of this country have happily been enfranchised, if you once concede their demand for a Nine-hours Bill, where is this legislation to stop? High pledges and great expectations will be held out to them, and at the coming Election we shall see with what eagerness and avidity candidates will rush in and pledge themselves in favour of a Nine-hours Bill. Can there be any security that we shall stop there? Why, what security can we have that we shall not next have an Eight-hours Bill? Some operatives came to me the other day and said—"If you don't give up your opposition, we will demand an Eight-hours Bill." "Well," I said, "you will not stop there; of course, you will demand a Seven-hours Bill." Encourage these demands, and what shall we see? We shall see the industry of this country, we shall see the self-reliance and independence of its people, put up to a demoralizing Dutch auction of degrading promises and delusive pledges. I have opposed this Bill in the interests of the working classes. I ask the House to reject this measure as far as it applies to the labour of adults, because I believe

that at the present moment we can render no greater service to the working classes of this country than firmly to check the growing tendency they show to rely upon State intervention. If we encourage this tendency, step by step we shall so enervate them, that at length they will come to us like helpless children and ask us to be their guardians, to say what wages they shall receive, what time they shall go to bed, and to prevent them doing a hundred things which they know they ought not to do. I entreat the House to remember this—that it is not by the act of the despot alone that liberty is destroyed. That vigour of national life which is the only guarantee for freedom must inevitably decline if the Government is permitted to envelop the people in a great network of officialism. I believe the day is not far distant when, if we are not very careful, the labouring classes of this country will find, from bitter experience, that their worst enemy is not the so-called cold-blooded economist, but that they have infinitely more to fear from a misguided benevolence and a mistaken and meddlesome philanthropy. The hon. Member concluded by moving the Resolution which stood in his name upon the Paper.

SIR THOMAS BAZLEY, in seconding the Amendment, said, much had been expressed on this question by the professed advocates of benevolence; but say what they might, they could not establish true benevolence by Act of Parliament. The promoters of the objects of this Bill did not confine their professed objects to the protection of women and children. There was the remarkable fact that the employers of labour in the textile manufactures had offered to concede everything that was just and considerate in relation to women and children; but the promoters of the movement were not satisfied, and agitated for the employment of adult labour, short hours, and increased wages. It was stated in *The Times* and other papers that the deaths and accidents in manufactories were very great; but he and those who acted with him confined themselves to the manufacture of textile fabrics, and were able to show that the accidents in them were few. The advocates of this Bill did not do so; but they embraced in their calculations various factories in which the labour and danger were great,

and amongst those manufactories were blast furnaces. Now with those factories neither women nor children had anything to do. The accidents in the year in those various factories he found, set down in Returns at 14,168, including 308 deaths; and it was imputed that women and children were severe sufferers by those accidents, but so far as the textile fabric manufactures were concerned that was not so. Out of the 50,000 accidents of all kinds that annually happened in this country, resulting in 29,176 deaths, only 4,346, resulting in 65 deaths, were referable to our textile manufacture; and he submitted that, so far as the allegation that textile manufactures were fraught with danger to women and children, they were, on the contrary, their best source of help and protection. Then, compare their work with that of the "maid-of-all-work," the poor servant who rose early in the morning and worked hard throughout the long day until 11 o'clock at night, who was an object entitled to sympathy. Why, there was, in fact, no comparison between her labours and those of women and children in the textile fabric manufactories, whose employment was light and agreeable, while that of poor domestic servants was most laborious. With regard to the manufactories in Manchester, he might state that large numbers of the young persons employed in them went in the evenings, when their day's work was over, to dancing saloons, and passed a considerable portion of time in the amusements of those saloons. He thought the House should not lend itself to raise wages by Act of Parliament, and yet such was the object of the Bill now before the House, because to lessen the hours of labour meant, in point of fact, to grant additional wages. The manufacturers of this country, who were most heavily taxed, were exposed to foreign competition—by Russia, America, Germany, Belgium, France, and other foreign countries; and it was a fact that the competitors in those countries had purchased latterly the very best machinery produced by the skill of this country, and, by the aid of that machinery, were now competing with British manufacturers, the cost of production to them being in every respect much less than that of the cost of production in England. Would the employers of agricultural labour in

this country like to be told that the hours of labour of their labourers must be shortened and that their wages must be increased? He could not understand upon what principle they could consistently join with the agitators for the adoption of short hours and increased wages in the textile fabric manufactures. This interference with trade by Act of Parliament could not but be productive of the worst results to common industry. The manufactures of the country were not at present in a satisfactory state, as many manufacturers were, he believed, paying wages out of capital. All this ought to make the House very careful not to legislate in the direction of increasing the cost of manufacture, as, if we did, we should most certainly diminish the amount of our business. The hon. Member concluded by seconding the Motion of his hon. Friend the Member for Brighton.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is undesirable to sanction a measure which would discourage the employment of women, by subjecting their labour to a new legislative restriction to which it is not proposed to subject the labour of men," —(Mr. Fawcett,) —instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

MR. T. HUGHES regretted that his hon. Friend the Member for Brighton (Mr. Fawcett) was not content with merely expressing his opposition to the Bill, and that he had made an attack upon those feelings of philanthropy which were manifested by its promoters in relation to the working classes. He had always regarded his hon. Friend as a philanthropist, and he should like to know when it was he ceased to be a philanthropist and turned "a man hater." His hon. Friend condemned freedom of contract; but seeing that Parliament had provided 14 years ago for that principle in those Acts, the question now was, whether the freedom of contract ought to be extended or contracted? Let him remind the House how the question now stood. They had come to the conclusion that inquiry into the subject was necessary; and he held that a more fair and important Report was

never submitted to Parliament. His hon. Friend the Member for Brighton said that no inquiry and no Report were necessary. He (Mr. Hughes) would show by one or two facts stated in the Report that they were necessary. The hon. Member was proceeding to argue in support of the Bill, when—

It being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

**CONSOLIDATED FUND (APPROPRIATION)  
BILL.**

On Motion of MR. BONHAM-CARTER, Bill to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-four, and to appropriate the Supplies granted in this Session of Parliament, ordered to be brought in by MR. BONHAM-CARTER, MR. CHANCELLOR of the EXCHEQUER, and MR. BAXTER.

Bill presented, and read the first time.

**MILITIA PAY ACTS AMENDMENT BILL.**

On Motion of MR. CAMPBELL-BANNERMAN, Bill to explain the Militia Pay Acts 1868 and 1869, ordered to be brought in by MR. CAMPBELL-BANNERMAN and MR. SECRETARY CARDWELL.

Bill presented, and read the first time. [Bill 273.]

House adjourned at five minutes before Six o'clock.

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**HOUSE OF LORDS,**

*Thursday, 31st July, 1873.*

**MINUTES.] PUBLIC BILLS—First Reading—**  
Public Health Act (1872) Amendment\* (257); Constabulary Force (Ireland)\* (261); Expiring Laws Continuance\* (268); Railway Regulations\* (259); Royal Naval Artillery Volunteer Force\* (260); Sanitary Act (1866) Amendment (Ireland)\* (262).

**Second Reading—** Endowed Schools Act (1869) Amendment (263); Merchant Shipping Acts Amendment (254); Defence Acts Amendment\* (255); Conspiracy Law Amendment (256).

**Committee—** Public Records (Ireland) Act (1867) Amendment\* (209), discharged; Penalties (Ireland)\* (242); Elementary Education Act (1870) Amendment, &c. (243-265); Langbaurgh Coroners\* (248).

**Third Reading—** Salmon Fisheries, now Salmon Fishery\* (249); Metropolitan Tramways Provisional Orders\* (229), and passed.

SUPREME COURT OF JUDICATURE  
BILL.

*Commons' Amendments &c. considered.*

Commons' Amendment to Lords' Amendments to Commons' Amendments and Commons' consequential Amendments *considered* (according to Order).

LORD CAIRNS said, he was sorry to find that he had been misunderstood in the reference he made the other evening to the appointment of Mr. Mountague Bernard to the Privy Council. He was made to insinuate that Mr. Bernard was appointed to the Judicial Committee of the Privy Council with the object of influencing the decision in the Bennett case. He had never contemplated any such insinuation. What he did say was that a feeling existed out-of-doors that a Court might be constituted for particular cases, but that he knew that every effort was made to secure the best tribunal in every case.

THE MARQUESS OF RIPON was glad that the noble and learned Lord had taken the earliest opportunity of removing a misapprehension which his remarks should not have occasioned, and which if allowed to continue might have produced evil consequences. For himself, he had not at all misapprehended the noble and learned Lord. He (the Marques of Ripon) knew that the greatest possible care was always taken to have the best men sitting on the Judicial Committee. Mr. Bernard was summoned on quite different grounds from those suggested. Knowing the importance of the Bennett case, he (the Lord President) took the unusual course of inviting the attendance of every legal Member of the Judicial Committee whom age or infirmity had not incapacitated.

THE LORD CHANCELLOR was also glad that the subject was introduced. He had enjoyed the friendship of Mr. Bernard for a great many years, and he knew that although the right hon. Gentleman had never the opportunity of enjoying considerable practice, yet he was not entirely without that kind of experience. In point of general ability and attainment, no man could possibly stand higher, and there were some branches of jurisprudence in which he had few equals and no superior, which might make his presence upon the Judicial Committee of the Privy Council

not seldom eminently useful. With respect to the particular appeal, to which reference had been made, he had received a letter from Mr. Bernard; who stated that he had never been in the habit of speaking or writing on theological subjects; and that with respect to the particular questions involved in Mr. Bennett's case, he had never, to his knowledge, expressed any opinion before that appeal was heard.

Motion agreed to.

Commons' Amendments agreed to.

ELEMENTARY EDUCATION ACT (1870)  
AMENDMENT BILL—(No. 243.)  
(*The Lord President.*)  
COMMITTEE.

House in Committee (according to Order).

Clauses 1 and 2 agreed to.

Clause 3 (Repeal and substitution of other provisions for 18 & 19 Vict. c. 34 (Denison's Act).

THE MARQUESS OF RIPON moved, in page 2, line 5, to leave out

"a certificated child within the meaning of 'The Agricultural Children Act, 1873,' whose certificate is for the time being 'in force'" and insert ("employed in pursuance of a certificate under 'The Agricultural Children Act, 1873,' and is not attending school.")—(*The Lord President.*)

Motion agreed to.

Amendment made.

Clause, as amended, agreed to.

Clauses 4 to 9, inclusive, agreed to.

Clause 10 (Amendment of 33 & 34 Vict. c. 75, s. 57, as to loans).

LOD CHELMSFORD moved to add a proviso, that the consent of the Education Department to loans should be conditional on proof by the school board of the necessity of additional accommodation. This proviso was required to meet cases such as had already occurred where a narrow majority of a school board had attempted to saddle a parish with a loan for new schools where the existing accommodation was both efficient and sufficient. In this case, the Department, while refusing to recommend the application to the Public Works Loan Commissioners, declared its inability to prevent the borrowing of money in the open market, and this proviso would give them the required discretion.

*Amendment moved*, page 4, line 19, after ("fund") add—

"Provided, that no such consent of the Education Department shall be granted unless proof be given to their satisfaction that the additional school accommodation which it is proposed to provide and the works which it is proposed to execute are necessary in order to supply a sufficient amount of public school accommodation for the district."—(*The Lord Chelmsford.*)

THE MARQUESS OF RIPON objected to the proposed proviso as imposing a needless obligation in cases where additional schools were obviously desirable. The distinct recommendation of the Department was essential to a loan by the Public Works Commissioners; in the cases of other loans it did not exercise so close a control, but accepted *prima facie* evidence for the scheme, unless there was distinct proof to the contrary. In the case referred to, the school board had made a Return showing the need of further accommodation.

THE MARQUESS OF SALISBURY feared the facility of borrowing would bring embarrassments on the ratepayers of the future. Both in education and other matters a check was required, and if a school board had evidence satisfactory to themselves, they could communicate it to the Department.

LORD STANLEY or ALDERLEY and LORD LYTTELTON supported the Amendment, as a safeguard in doubtful cases.

*Amendment agreed to.*

The Report of the Amendments to be received To-morrow; and Standing Orders No. 37. and 38. to be considered in order to their being dispensed with; Bill to be *printed*, as amended. (No. 265.)

**ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL—(No. 263.)**  
*(The Lord President.)*  
 SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF RIPON, in moving that the Bill be now read the second time, said, that the late introduction of the measure was due to a long inquiry by a Committee in the other House into the working of the principal Act. The principal alterations proposed by the Bill were these. The Endowed Schools Act 1869 was continued to the 31st De-

cember, 1876: schools having endowments not exceeding £100 per annum are taken from under the operation of the Endowed Schools Acts and placed under the Elementary Education Act 1870. Under the 17th section of the principal Act clergymen were in certain cases ineligible as members of Governing Bodies. This provision had naturally given rise to much dissatisfaction, and it was now provided that where by the original instrument of foundation the holder of any particular office is a member of the Governing Body nothing in the section referred to shall prevent the holder of such office for the time being from being retained as a member. Another provision related to schools excepted from the provisions as to religion; and it is enacted that where by the original foundation of any school it is required that the Governing Body and officers shall be members of some particular denomination—such school shall be excepted from the provisions of the 19th section of the Act. The Bill further amended the Act of 1869 in respect to approval of schemes by the Committee of Council, and in respect of appeals to the Queen in Council; and provided that if, at the expiration of the time for a Petition to Her Majesty in Council against any scheme no such Petition has been presented, Her Majesty may by Order in Council declare her approbation of such scheme without the same being laid before Parliament. Lastly, it was provided that a graduate of any University of the United Kingdom, if otherwise fit, shall be held qualified, where the statutes of any school require the head master to be a graduate of Oxford or Cambridge. The subject had been already considered by several Committees, and had been introduced into the other House on the Report of the Endowed Schools Commissioners, and having been well considered by the other House, he trusted their Lordships would be willing to pass it.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
*—(The Lord President.)*

THE MARQUESS OF SALISBURY said, that it was impossible that their Lordships could give sufficient consideration to this Bill at this period of the Session, when the Appropriation Bill had been brought in, and the Prorogation would probably take place three or four days

hence. This amended Bill had been looked forward to by many oppressed interests for two years past. It was hoped that it would either entirely terminate the power of the Endowed Schools Commissioners, or else that Parliament would so restrict and modify those powers that the oppressive consequences which had previously occurred would never be brought into operation again. Certainly it was impossible for their Lordships now seriously to amend the Bill. Without entering into a discussion as to the true construction of the pledges given by the noble Marquess and by Mr. Forster in 1869, it was unquestionable that when the Endowed Schools Act was passed a general impression prevailed in both Houses of Parliament that it was a measure for enabling the Commissioners to deal compulsorily with endowed schools which were really and undoubtedly abused; but the result had shown that it enabled them to deal with all endowed schools whatever, without any restriction arising from the mode in which the trusts had been discharged. This result was attributable to the circumstance that the gentlemen who were selected to discharge the duties of Commissioners, though men of great purity of motive and of great business capacity, were of all people in the world the least fitted to administer a highly and widely discretionary Act, in which it was necessary to carry with them the opinions, feelings, prejudices, and traditions of a large number of people all over the country. The feelings of the Commissioners were hostile to the very idea of endowment, and they treated the notion of what was called the sacredness of trusts with something very like contempt. Knowing the opinions of those gentlemen, Parliament ought not to have sanctioned a Bill which contained their names. He regretted to say that further reflection and further appointments had not altered this peculiar feature of the Commission. Mr. Hobhouse, before leaving England, described the endowments of past ages as "no man's land," which anybody could claim. The noble Lord (Lord Lyttelton) expected posterity to think it a strange superstition that the directions of dying men should be adhered to for all time, unless they were palpably absurd or impossible, and that there should then be the minimum of varia-

tion; while Mr. Roby deemed it the duty of the State to apply endowments to some other use, if under the circumstances it was more beneficial. Whether those views were correct or not was a question upon which he would not ask their Lordships to enter, but undoubtedly they were deeply opposed to the feelings of the local bodies who had the management and enjoyment of the endowments. Be those local bodies right or wrong, they held that a Founder's will, though made many years ago, ought to be a guide in disposing of the endowment, and that the State had no right to do what it willed with it. The consequence of this diversity of opinion between the butcher and the lamb as to the right of the butcher to use his weapon as he pleased was a great deal of turmoil and dissatisfaction. The noble Lord at the Table (Lord Lyttelton) and his Colleagues did not set to work in a spirit showing the greatest possible amount of conciliation, or with a desire to carry with them the largest possible amount of consent. They seemed rather to have proceeded in a despotic spirit, very much in the same way as the Emperor Nicholas was said to have made his railways—by taking a ruler and drawing, regardless of every other consideration, the shortest line from one point to another. The result was that a large amount of discontent had been called into existence. What he wished their Lordships to understand was that it was not the Act but the mode in which the Act was administered which had caused all the difficulties. No doubt power was given to the Commissioners to do what they pleased with the Governing Bodies, but they were not forced to treat those Bodies as they did. It was true the Governing Bodies had no vested rights; but they were persons of influence in their respective neighbourhoods, great sympathy was excited in their favour, and a great amount of antagonism aroused against the action of the Commissioners. Then, again, how had the Commissioners acted with regard to endowments for elementary education? To use the noble Lord's phrase, the middle classes came in for "the lion's share;" and the elementary schools were thrust out of the enjoyment of those endowments which had been left to them. One of two things was the necessary consequence. If the Elementary Education

Act of 1870 became a failure, it followed that the poor were ousted out of that of which they ought never to have been deprived; and if the Act proved a success it followed that the ratepayers were saddled with expenses from which, by virtue of those endowments, they had a right to escape. But the greatest amount of opposition had been roused upon the religious question, and the noble Marquess (the Marquess of Ripon) was certainly right in saying that the peculiar interpretation of the 17th clause given by the Law Officers of the Crown, and subsequently by the Privy Council, had given rise to a great deal of discontent. When Parliament inserted that clause, it never dreamt that they were going to exclude rectors and vicars, deans and Bishops from the Governing Body, simply because they were rectors and vicars, deans and Bishops. He never heard any such suggestion made during the passage of the Bill through either House of Parliament, and his belief was that such an idea never entered into the minds even of those who represented the Dissenters. In foundation after foundation it was provided that spiritual persons, Bishops and Archbishops, should have the power of approving or disapproving the statutes made by the Governing Body of the school. That was a clear dedication to the Church of England, because there was no doubt in what direction those who possessed that power would exercise it. But in sweeping away the power of the Ordinary the Endowed Schools Commissioners acted entirely at their own discretion, for they did what they were not required by the Act to do. The 19th clause said nothing about the religious instruction to be given in the majority of the schools. The 17th clause had forbidden any test for the Governing Body, and the 16th had insisted upon a stringent conscience clause. The 19th clause said that where there was any express indication of the intention of the Founders that certain religious doctrines should be taught in the schools, these schools should remain denominational. But it did not say that there was to be no Church of England education in other schools. He did not in the least blame the Commissioners for refusing to impose a test on the Governing Body of the latter schools; but what he did complain of was that there was

no provision, whatever made by them for religious instruction according to the doctrines of the Church of England in schools in which that instruction may have been given for 100, 200, or 300 years. When Parliament abolished tests in the Universities it nevertheless enacted that religious instruction according to the doctrines of the Church of England should be provided for Church of England students. But all that the Commissioners had said was that religious instruction should be given; whether it was to be Church of England, Roman Catholic, Presbyterian, or Buddhist, they did not say. There were many ways of deciding what religious instruction should be given, but the very worst way was to leave it to be fought out by the ratepayers. If the ratepayers were to decide what doctrines were to be preached in the parish church it would be productive of nothing but confusion and dissension; and the result would be pretty much the same if the ratepayers were called upon to say what religious instruction should be given in the schools. He would like for a moment to refer to the special exemption which had been made in favour of the Moravians and Quakers. The Endowed Schools Commissioners had spared the Quaker and Moravian foundations, but had swept away the power of the Archbishops and Bishops. The question to be decided was as to the course to be taken in regard to the present Bill. He could not regard it as satisfactory, because in many points it took the Church of England at an unfair disadvantage. Disestablishment might or might not be wrong, but it could not be fair or just to attempt a bit of disestablishment by means of a Bill like the present. The course which the Endowed Schools Commissioners had taken would please neither of the parties who could be affected by the provisions of the Bill—the contrivance was, perhaps, the worst that could have been adopted; but it was impossible to do properly within three days of the prorogation of Parliament that which would require for its accomplishment long and anxious consideration in both Houses of Parliament. The only course which, under the circumstances, he saw to be open, and one which he believed would not be resisted, would be to provide that the operation of the Bill should be limited to one year

from the date of its passing. The adoption of such a course would give security that there should be a discussion of all the important points involved in the course of the coming Session. He could not admit that the points to which he had adverted would be settled by the adoption of the course he suggested even for the limited period which would intervene between this and June of next year, and he therefore suggested further that the Amendments which were introduced in the other House of Parliament by Mr. Hardy and others who thought with him should be regarded as *sub judice* as far as their Lordships were concerned—as matters on which Parliament had not really decided. Some of these Amendments ignored in important respects the expressed intentions of the Founders; and if he proposed the rejection of future schemes of the Commissioners drawn on the principle of these Amendments their Lordships must not think him troublesome or importunate. If the Session could be prolonged for six weeks it would be possible to deal with the questions involved, but as that was out of the question, he hoped the course he suggested would be adopted. It had seriously weighed upon his mind and upon the mind of the noble Duke who was absent (the Duke of Richmond) whether they ought or ought not to move the rejection of the Bill upon the second reading. There were strong reasons in favour of that course, but against it there was the extreme inconvenience of breaking up a piece of administrative machinery which would occupy some time in the repairing; and, he might add, there was the fact that the Dissenters in the House of Commons were exceedingly anxious for that consummation. On the whole, therefore, he thought it would be best to amend the Bill, instead of rejecting it.

LORD LYTTTELTON said, he must assume that the course suggested by the noble Marquess (the Marquess of Salisbury) would be adopted. The precarious position of the Commission would be inconvenient to some, and he hoped that if the need arose their interests would be duly remembered. He did not speak for himself when saying this, for he had found the Commission by no means a Garden of Eden, and the possibility of being again his own master was to him no matter of lamenta-

tion. But for the Commission, as such, he thought the limitation very undesirable, because it would curb its freedom of action and prevent it from dealing with any except unimportant or unopposed schemes. Yet he could not but admit that there was some Parliamentary ground for the limitation proposed. It might be not unfairly said that they had reached the dregs of a Parliament which had continued for a long time—he would not say the dregs of the present Government, although since a remarkable event in the early part of the Session the Government, as had been observed in some newspaper, had been like a man who had suffered a paralytic stroke; it might continue to live, but its movements, till a new Parliament, would be feeble and restricted. There had been, indeed, no delay in the consideration of the Bill. The Committee upon it was appointed at the very commencement of the Session, and no delay had occurred in its proceedings. But in the actual circumstances he did not complain, only he hoped it might be found possible to have no more of these short and inconvenient prolongations. At present there was an obvious and further reason why the noble Marquess had taken the course he had adopted. The noble Marquess and his Friends expected to come into power soon, and it was not unreasonable that they should say—"We shall not allow our political opponents to deal for the next three or four years with these important subjects which have so long been discussed, and many of which still remain undecided. We shall limit the operation of the Commission to one year, and then perhaps we may have our turn, and be able to give effect to some of our own opinions." In a party sense this was not unreasonable. He had no intention of extolling the merits of the Commission, but he hoped that before the question was finally settled, noble Lords would take the trouble carefully to read the evidence which had been given by the Commissioners before the Committee of the House of Commons. That evidence treated fully all the points that had been raised by the noble Marquess, and many more. What he ventured earnestly to impress on their Lordships was that when the time arrived for Parliament again to deal fully with the question as it had done in 1869, it should say what it meant and mean

*The Marquess of Salisbury*

what it said. He hoped that Parliament would not intrust the Commissioners with the largest possible powers, and then turn round and call them to account for having acted upon them merely because of some vague reports of the opinions of individual Commissioners—some of them expressed before the Act was passed, or speeches of certain Ministers. The Commissioners were bound by the terms of the Preamble of the Act, by its general scope, spirit, and intention, and not by their own private opinions; and mainly by the 9th and 10th clauses as interpreted by the Preamble. He admitted, as had been done in their Report, that the country was not yet prepared for the Act being carried out with that stringency which the Act itself directed. Under the limitation now proposed they would probably have to proceed with "bated breath"; and indeed pending the more leisurely consideration of the whole subject, and having regard to local feelings and the sentiments of the people, he expected they would concede some points on which they had hitherto insisted. There were two points, and two only, which he considered to be vital, and unless they were maintained he would have nothing to do with the further administration of the Act. One was that special rewards and gratuitous or cheap education should be given solely for merit, properly understood. He differed from the noble Marquess, who had said that the giving of prizes for merit was part of the jargon of the day, and could mean nothing but competitive examination. Prizes might be given as the reward of industry and exertion, and not necessarily of superior talent. The other was that Parliament should not in the slightest degree fetter the Commissioners in dealing with Governing Bodies, especially in regard to the infusion of the popular element, which had in their judgment much to do with securing the prosperity of schools and the continuance of their usefulness. As to the question of religion, his own opinion was that it was better to leave that matter, except with regard to a few schools, to be decided by the Governors of the schools. If Parliament should choose to lay down anything intelligible and specific, for the purpose of defining what schools were Church schools, for the guidance of the Commissioners, he

believed they would have no objection to act on it, but without some such further definition he did not know what a Church school was. With regard to elementary education, it was so difficult for them to deal with that matter that if Parliament should think fit to take all elementary schools out of the jurisdiction of the Commissioners, to himself it would give much satisfaction. He had been incorrectly supposed to object to endowments generally; for he held that endowments might be made of the greatest value, and he had no wish to discourage them. On the contrary, in the evidence he gave before the Committee of the House of Commons he said he did not believe that a power given to proper tribunals to deal within certain limits and after a certain time with endowments would discourage them.

*Motion agreed to;* Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House *To-morrow.*

#### MERCHANT SHIPPING ACTS AMENDMENT BILL.—(No. 254).

(*The Earl Cowper.*)

Order of the Day for the Second reading, read.

EARL COWPER, in moving that the Bill be now read the second time said, that it did not deal with the points that were now under the consideration of the Commission which was sitting to inquire into the subject. This measure was little more than an expansion of the Act of 1871, and was intended to fill up the gaps in that statute. The Bill embraced a number of small details with which it would not be worth while to occupy the attention of the House at the present moment.

*Moved,* "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl Cowper.*)

LORD CAIRNS hoped that by the time the Bill reached its next stage certain of the clauses would be considerably modified.

*Motion agreed to;* Bill read 2<sup>d</sup> accordingly and committed to a Committee of the Whole House *To-morrow.*

CONSPIRACY LAW AMENDMENT  
BILL.—(No. 256.)  
(*The Earl of Kimberley.*)  
SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that the Bill, as originally framed, was introduced by Mr. Vernon Harcourt in the other House of Parliament, and applied to conspiracies which were connected with combinations concerning trade. The Government, however, did not deem it desirable to deal with the law of conspiracy on only a single point, and were of opinion that any Bill on the subject should be extended to the law of conspiracy generally. The occasion which gave rise to the consideration of the question was that of the strike of the gas stokers. It would be remembered that several of these persons were sentenced, for conspiracy to commit an offence, to much severer punishment than were others who had actually committed the offence itself. Now, the general effect of the present Bill would be that it would remove altogether from our law punishment for conspiracy to effect any object by a mere breach of contract, which would hereafter be left to be dealt with under the Criminal Law Amendment Act and the Masters and Servant Act; while in such grave cases as a charge of conspiracy for the purpose of extortion, to defeat the course of justice, or to murder, the sentences which might be pronounced were left subject to the existing law. The first clause, therefore, provided that no person should be liable to any greater punishment for a conspiracy to be carried out by a breach of contract than he would be liable to for a breach of the contract itself; and no person would hereafter be liable to punishment for conspiracy by reason only of his being a member of a trade combination. The clause defined "trade combination" as

"a combination between masters or workmen or other persons for regulating or altering the relations between any persons being masters or workmen or the conduct of any master or workman in or in respect of his business or employment or contract of employment or service." He was aware that the Bill came up to their Lordships' House rather late in the Session, relating as it did to a question of great importance; but it had

been carefully examined by the Law Officers of the Crown, and they had endeavoured to make it as complete as possible. He hoped, therefore, their Lordships would pass it, for it was not desirable that a penalty should continue to hang over the working classes of this country which Parliament, he believed, never intended should be imposed for the particular offence with which the Bill dealt.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
—(*The Earl of Kimberley.*)

LORD CAIRNS said, he had not the slightest objection to have the question fully considered how far it was desirable to treat the offence to which the Bill related as a criminal act. The matter was one which was, in his opinion, well worthy the attention of Parliament, and the law on the subject might stand in need of revision, more especially when a breach of contract of the kind under discussion was carried out by what was termed a conspiracy, but which would more properly be called a combination. He must add, however, that the Bill filled him with considerable apprehension. It proposed a great change in the criminal law; it had not been introduced as a Government Bill, but was proposed in the other House by a private Member, and it came before their Lordships at a very late period of the Session. It was desirable to have the opinions and the advice of the learned Judges on the matter before such an alteration of the law was made; but, in the present case, that assistance could not well be obtained, as the Judges were on their circuits. It appeared to him to be a very serious and somewhat dangerous thing at that period of the Session, for the purpose of effecting the object sought by that Bill, to alter the whole law in regard to conspiracy. He would now make no objection to the second reading of the measure, it being understood, however, that he would to-morrow, at its next stage, call their Lordships' attention to the points to which he had briefly referred, and ask their earnest consideration as to what course ought to be taken under the circumstances.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.*

House adjourned at a quarter before Eight o'clock, till To-morrow half past Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 31st July, 1873.

**MINUTES.]**—**PUBLIC BILLS—Ordered—First Reading—**Law of Evidence\* [274].  
**Second Reading—**Duke of Edinburgh's Annuity [272]; Consolidated Fund (Appropriation); Militia Pay Acts Amendment\* [273].  
**Committee—**Four Courts Marshalsea (Dublin)\* [265]—a.p.  
**Third Reading—**Telegraphs\* [262], and passed.  
**Withdrawn—**Betting Houses (Scotland)\* [185]; Stipendiary Magistrates (Scotland)\* [129].

**ELEMENTARY EDUCATION ACT—**  
**SCHOOL BOARD, HOLME ST. CUTHBERTS.—QUESTION.**

MR. F. S. POWELL asked the Vice President of the Committee of Council on Education, Whether his attention has been directed to a statement made by Mr. Perez, inspector of schools, in the Education Report, page 113—

"At Holme St. Cuthbert's the state of things seems hopeless; one member of the five having died, the four remaining members of the School Board are pitted two against two. The site once agreed to is now rejected by one party, consequently nothing can be done. The malcontent party have kept aloof, and not attended the meetings, so that a quorum cannot be made;"

and, whether the state of affairs so described still continues; and, if so, what steps have been taken, or are to be taken, in order to awaken the School Board of Holme St. Cuthbert's to a more active sense of their educational duties?

MR. W. E. FORSTER, in reply, said, that the dead-lock described by Mr. Perez had been removed since the Report was written; several members of the board had resigned, and orders had been issued by the Education Department for new elections, which he hoped would result in the school board work being discharged more satisfactorily in the future.

**CRIMINAL LAW—FORGED TELEGRAMS: QUESTION.**

MR. PEEK asked Mr. Attorney General, Whether his attention has been called to the subject of forged telegrams; and, whether, during the Recess, he will consider the propriety of making the Law on the subject more stringent?

THE ATTORNEY GENERAL, in reply, said, his attention had been called to the subject, which was well worthy of attention. He had been in consultation with his right hon. Friend the Postmaster General on the matter. If there was an opportunity in the course of next Session he would endeavour to deal with the subject; but it was not an easy one to take up.

## NAVY—THE ROYAL MARINES.

## QUESTION.

MR. WATNEY asked the First Lord of the Admiralty, Whether the appointment in the Marine Artillery of "Lieutenant and Acting Adjutant for duties as Military Instructor," has been substituted for that of "Second Captain and Adjutant," thereby reducing the number of Captains by one; and, if so, by what authority?

MR. GOSCHEN: Sir, in a scheme for the re-distribution of the Royal Marines, which is now awaiting an Order in Council to give it effect, it is proposed to substitute a Military Instructor for one of the captains and adjutants, Royal Marine Artillery. This officer is to be a captain or lieutenant, to have passed the Staff College, and to be employed in instructing the officers in military law, field fortification, field sketching and reconnaissance, and military history and administration. This is considered a most desirable change, as the Staff captain and one adjutant are found sufficient for the military and office duties of the Royal Marine Artillery, and an instructor for officers is urgently required. By Board letter of the 7th of March, 1873, their Lordships appointed one of the captains and adjutants (Captain Suther) to be Instructor of Fortification at the Royal Naval College, Greenwich. Pending, therefore, the bringing out of the Order in Council, it was considered advisable to appoint a Staff College officer (Lieutenant Needham) as Acting Adjutant for duties as Military Instructor. As this officer happens to be a subaltern, and no captain is eligible for the appointment, it reduces the number of captains by one; but the change is a most desirable one. The vacancy will be regained on this officer's promotion.

ARMY—THE COMMANDER-IN-CHIEF IN IRELAND.—QUESTIONS.

MR. ANDERSON asked the Secretary of State for War, If the Correspondence as to the Accounts of the Commander in Chief of the Forces in Ireland is yet complete; if the "portions" of them that "objections have been raised to" by the Accountant General had been objected to by that officer previous to the 10th June, when the Question was first put on the paper; and, if he will state the nature of the "objections" that have been raised, and if they involve any censure to any one, or any repayment of money by the Commander in Chief in Ireland; and, if so, how much?

MR. CARDWELL: Sir, the Correspondence has resulted in the objections raised by the Accountant General being sustained by me. The nature of them was that the periods during which the General was absent from Ireland in excess of the period for which pay during leave is allowed by the Royal Warrant had not been entered in the pay-lists as absent on leave or otherwise, the principal ground assigned being that such absence, which was in a considerable degree absence while attending Parliament, was understood by the General as not being required to be so entered, and as being permitted to carry Staff pay and allowances. The inquiry made in pursuance of the hon. Member's Question brought these circumstances to the knowledge of the Accountant General, and led to the objections which I have sustained. The amount retrenched is £753 11s. The Accountant General, however, informs me that if the hon. Member's Question had not been put objections would have appeared on the face of the accounts now under examination, which would have led to the inquiry. The Correspondence and the pay-list will be laid on the Table without delay if my hon. Friend will move for them. I am glad of the opportunity of saying that the General observes upon the form of the pay-list as being deficient, of which those who see it will judge.

MR. OTWAY asked, if he was to understand that the General commanding-in-chief had certified that he was in Ireland when in reality he was absent?

MR. CARDWELL said, he had already stated the particulars.

MR. ANDERSON asked, if the sum of £753 11s. had been re-paid?

COLONEL NORTH said, surely attendance in Parliament was a performance of duty, and did not involve stoppage of pay.

MR. CARDWELL said, the regimental pay was not stopped, but Staff pay and Staff allowances were stopped. He was willing to lay the pay sheets and the Correspondence on the Table.

CRIMINAL LAW—THE WEAVERHAM COCK-FIGHTING CASE.  
QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether it is true that in the Weaverham cock-fighting case the magistrates have inflicted the modified penalty of £5 on the persons implicated, they being gentlemen of influence and position, and the fine therefore a nominal punishment; and he would take this opportunity of asking, whether it is true that a boy has recently been imprisoned for two months for ill-treating a cat?

MR. BRUCE: I think, Sir, my hon. Friend's manner of putting Questions is very unfair to the Minister questioned and to the magistrates generally when he attempts to cover all magistrates with such blame as may arise from the misconduct or an error of judgment on the part of one. ["No, no!"] Some days ago my hon. Friend put to me, with reference to this case, on the authority of an unverified statement in a Manchester newspaper, a Question imputing gross partiality to the Weaverham Bench of Magistrates. I was then able to show that the imputation was undeserved, and, indeed, utterly unfounded. My hon. Friend now returns to the charge with the same imputation in another form. He asks me whether the magistrates have not inflicted a modified penalty of £5 on the persons implicated, they being gentlemen of influence and position, and the fine therefore a nominal punishment? Now, Sir, in the first place, the fine is not a modified, but is a maximum, penalty under the Act. In the next place, although there were persons in the position of gentlemen among the defendants, there were also persons of a much humbler rank in life, and only one gentle-

man was connected with the county (Cheshire) in which the offence was committed. My hon. Friend's complaint against the magistrates appears to be that they did not use the power given them by the 18th section of the Act to commit the offenders to prison without giving them the option of paying a fine. I am not prepared to find fault with the conduct of the magistrates in this respect. It would have been difficult for the magistrates where all parties were equally guilty, and where the only difference lay in their rank and wealth, to distinguish between them, and imprison some of them while they only fined others. It would have been impossible to draw the line. It should also be remembered that no long time has elapsed since these so-called sports, now justly deemed barbarous and disgraceful, were popular amusements, held to be innocent, if not manly. I am glad that the Law has given its sanction to the higher public morality and imposed punishments for such practices as these; but we must not forget that the chief object of punishment is to deter, and that to men of "influence and position" the heaviest part of the punishment is the shame which follows exposure and the conviction for having broken the Law.

**AGRICULTURAL LABOURERS MEETING  
—LEIGHTON BUZZARD — ALLEGED  
DISTURBANCES.**

Mr. BRUCE: I may, Sir, perhaps, be permitted to refer to a Question put to me on Wednesday, the 23rd instant by my noble Friend the Member for Calne (Lord Edmond Fitzmaurice) with reference to the disturbance of a public meeting at Leighton Buzzard. My noble Friend placed his Question on the Paper on Tuesday. The House sat to a very late hour, and I only saw the Question a few minutes before entering the House on Wednesday, at 12 o'clock. I then stated that I had received no information on the subject. On Monday last, in answer to the hon. and gallant Member for Bedfordshire (Colonel Gilpin), the noble Lord stated that I was mistaken, for that I had received and answered a communication on the subject, and that he held my letter in his hand. I have inquired into the matter, and find that, while it was quite true that no

memorial or communication specially referring to the Leighton Buzzard disturbance was received at the Home Office, a letter was received from Mr. Joseph Arch complaining of the conduct of the police at two public meetings at which he had not himself been present, one of which meetings was at Leighton Buzzard. Mr. Arch's question was—

"Whether the police are justified in pandering to local farmers and others who, for a pint of beer, are made their dupes in order to put down free speech?"

He was answered by the Under Secretary, in my name, that—

"the Secretary of State has no control over county and borough police, and that any complaints respecting their conduct should, therefore, be addressed to the local authority."

I made my answer in the firm conviction that no memorial emanating from persons actually aggrieved and stating facts within their knowledge would have been answered without being first submitted to me, and I am justified in that belief by the actual facts.

**PARLIAMENT—THE NEW PALACE OF  
WESTMINSTER—THE FRESCOES.**

**QUESTIONS.**

Mr. BOWRING asked the First Commissioner of Works, If it is true that symptoms of decay have recently manifested themselves in additional Frescoes in the Houses of Parliament, especially in those by Mr. Maclise and Mr. Herbert; and, if so, whether he proposes to take immediate steps with a view to arresting, if possible, the further progress of such decay?

Mr. AYTON, in reply, said, it was undoubtedly true that for some time past the surface of these pictures had presented an appearance which greatly detracted from their effect; but what the exact cause of that appearance really was had not hitherto been clearly ascertained. There was a great difference of opinion on the subject. It was doubtful whether the appearance of one of the pictures arose from the natural decay of the picture itself, or from the efflorescence on the surface of some substance capable of being removed without injury to the picture. He had watched the picture with great interest, and had consulted several persons with regard to it. Recently he had the advantage of consulting Mr. Richmond, R.A., who had arrived

at the conclusion that the appearance of the picture was owing to an efflorescence which might be removed from the surface, after which it would be nearly as good as ever. The subject, however, was one which required careful consideration. Dr. Percy, the eminent chemist attached to that House, was endeavouring to ascertain the nature of the substance on the pictures. He was also now making arrangements to secure the services of an eminent picture-cleaner, who had been recommended by Mr. Richmond as being best qualified for the purpose, and it was hoped that the result would be satisfactory.

MR. BOWRING asked whether the right hon. Gentleman's remarks applied to Mr. Madise's picture of "The Death of Nelson?"

MR. AYRTON was understood to reply in the affirmative.

FISHERY BOARD (SCOTLAND)—BRANDING FEES.—QUESTION.

MR. MACFIE asked the Secretary to the Treasury, If he intends, or will consider whether he ought, to reduce the fee charged by the Fishery Board in Scotland for branding of herring barrels from the present rate of fourpence per barrel, at which, according to the Brands recent Report, it yields much more than pays expenses, to such lower rate as, while leaving no demand to be made on the Exchequer to cover a deficiency, will be less oppressive to persons engaged in the fishery business?

MR. BAXTER: It is not, Sir, intended at present to reduce the fee charged by the Fishery Board in Scotland for branding herring barrels, but I have no doubt the whole system of branding will eventually be abolished, as it is no part of the business of Government to affix an official stamp to any article of merchandize.

IRELAND—THE IRISH CONSTABULARY.  
QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, Whether, in any scheme to be considered by the Government for the contribution by Irish counties of a share in the cost of the Irish Constabulary, such charge will be proportioned to the relative number of Constabulary required and

allotted to each county, and to the cost thereof?

MR. BRUCE: I am requested, Sir, by my noble Friend the Chief Secretary for Ireland to give the following reply to the Question:—It is impossible at present to give the details of the scheme which will be proposed by the Government next Session; but the object will be to give to each county a substantial interest in the reduction of the number and cost of the constabulary force maintained in it. The difficulty lies in devising any plan which will secure this object without imposing on some counties an amount of taxation which might prove excessive.

IRELAND—LABOURERS' COTTAGES.  
QUESTION.

SIR FREDERICK W. HEYGATE asked the Chief Secretary for Ireland, Whether he can give any assurance that he will, early next Session, promote a measure to give additional facilities for the erection of Labourers' Cottages in Ireland?

MR. BRUCE (for the Marquess of HARTINGTON) said: I can only promise that the Reports from the Inspectors of the Local Government Board which have been laid on the Table this year shall be carefully considered during the Recess with the view of an early introduction of a measure if we can see our way to making any satisfactory proposal.

PATENT RIGHTS—INTERNATIONAL CONFERENCE, VIENNA.—QUESTION.

MR. MACFIE asked the Secretary to the Treasury, If Mr. Webster, Q.C., has been authorised to act or speak on behalf of the Vienna Exhibition Commission in the approaching Conference on Patents for inventions at Vienna; and, whether, if this eminent gentleman's opinion in favour of the policy of Patent Laws is not the opinion of Her Majesty's Government their want of assent thereto will be made known to the Conference?

MR. BAXTER: Sir, Mr. Webster, Q.C., has been authorized by the Commissioners to attend the Conference simply for the purpose of making a Report. It is distinctly laid down that he is not to consider himself as in any respect representing Her Majesty's Government.

## POST OFFICE—REGISTRATION OF LETTERS.—QUESTION..

MR. MACFIE asked the Postmaster General, If he will consider whether it is not expedient to encourage the registering of letters that contain stamps, notes, and jewellery by reducing the fee for registration to twopence?

MR. MONSELL: It is very doubtful, Sir, whether a fee of 2d. for the registration of each letter would cover the expenses. Therefore, I can hold out to my hon. Friend no hope of the reduction of the fee.

## METROPOLIS—KNIGHTSBRIDGE BARRACKS, MILLBANK, AND HYDE PARK.

## QUESTION.

SIR THOMAS BATESON asked the Secretary of State for War, Whether the site at Millbank has been at any time reported on by a Board of Military Medical Officers, with a view to the location there of one of the Household Cavalry Regiments; and, if so, whether their report was favourable or otherwise; whether many tons of ammunition are not frequently stored in the magazine in Hyde Park, with only a non-commissioned officer's guard in charge; and, whether on these grounds the late Duke of Wellington was not opposed to the removal of Knightsbridge Barracks?

MR. CARDWELL: Sir, I have always understood that the Duke of Wellington was favourable to the continuance of Knightsbridge Barracks on their present site. If they shall at any time be removed, it will not be on military grounds, but for other and very different reasons. The fitness of the site at Millbank on sanitary grounds was much canvassed some years ago before the Embankment on the opposite side of the river was made. If at any time Parliament shall be asked to sanction the erection of a barrack on that site, full information of the state of the question as regards the sanitary considerations will no doubt be laid before it. In the meantime, I am informed by the Director of Convict Prisons that it is now a remarkably healthy place. Ammunition for the Guards and Volunteers is kept in the magazine under a sergeant's guard. The hon. Member is welcome to the Return on the subject of which he has given Notice.

SIR THOMAS BATESON said, the right hon. Gentleman had not answered his Question in reference to the Board of Military Medical Officers.

MR. CARDWELL: I will not enter into the details of this subject, because it has been much canvassed; and, in order that the House may be able to form a correct judgment respecting it, all the Papers ought to be on the Table. There was a Committee of Officers a long time ago, of which, I think, Sir Hope Grant was the President, and which condemned the site at Millbank on sanitary grounds. The matter was afterwards referred to the Army Sanitary Committee, and their Report was of a different character, being favourable to the site on the whole, provided certain objectionable buildings were removed on the opposite side of the river. The Embankment on the opposite side of the river has been made in the interval, and therefore the House will not be able to form a judgment without being in possession of the whole of the Papers. When a proposal is made on the subject, no doubt those Papers will be laid before the House.

## CHURCH OF ENGLAND—WEST INDIES CLERGY ACT—THE BISHOP OF KINGSTON.—QUESTION.

SIR CHARLES ADDERLEY asked, the Under Secretary of State for the Colonies, Whether Bishop Courtenay of Kingston is not at least equitably entitled to £1,600 a-year from the Consolidated Fund, under the first section of the Act of 1868, for relieving the Consolidated Fund of salaries of West India Bishops and Clergy, which provides against any diminution of the salary of any Bishop which he may have been receiving at the passing of that Act; whether the Right Reverend Reginald Courtenay was not appointed Coadjutor Bishop of Kingston on the retirement of Bishop Spencer of Jamaica in 1856, by Letters Patent expressly providing that he should hold that office till a successor was appointed, and act for all purposes as Bishop of Jamaica; whether the £8,000 assigned out of the Consolidated Fund for that bishopric was not thus divided—£1,400 as retiring pension to Bishop Spencer, £1,600 to Bishop Courtenay; but an excuse for discontinuing the latter payment on the

death of Bishop Spencer in 1872, has been found in the mere arrangement that the whole sum was made payable to the latter bishop on the understanding that he should pay over to the former his share; whether the subsequent disestablishment of the Jamaica Church has not precluded the Crown from the recommended appointment of Bishop Courtenay as Bishop Spencer's successor; and what steps Her Majesty's Government will take to protect Bishop Courtenay in his equitable claim, or to aid him in securing the position he has had so assured an expectation to hold in the new voluntary Church of Jamaica?

MR. KNATCHBULL-HUGESSEN: It is difficult, Sir, to give a full answer to the five Questions of my right hon. Friend without making a longer statement than I should feel justified in doing. I will, however, state generally that his first Question turns upon the construction of an Act of Parliament, under which we do not consider that Bishop Courtenay has an equitable claim for £1,600 a-year from the Consolidated Fund. The arrangement by which Bishop Courtenay received a portion of Bishop Spencer's salary during the life-time of the latter must be held to have been a private arrangement between the two Bishops, which terminated on the death of Bishop Spencer. It is true that Bishop Courtenay was appointed Coadjutor Bishop by Letters Patent, which provided that he should hold that office until a successor to Bishop Spencer was appointed; but this evidently referred to the interval which would in any case elapse between the death of Bishop Spencer and the appointment of a successor, if one were appointed. I do not know by whom or to whom Bishop Courtenay's appointment was "recommended;" no expectation was held out to him by authority; but any such appointment, with a salary from the Consolidated Fund, was prevented, not by the Jamaica Church Disestablishment Act, but by the Act passed by my right hon. Friend in 1868, removing these charges from the Consolidated Fund. I must remind the House that this matter has been already before the House of Commons, which decided against the Bishop's claim; and having gone most carefully into the case, with every disposition to do justice, my noble Friend at the head of the

Colonial Department has come to the conclusion—in which I entirely concur—that there is no reason to reverse the decision of the House of Commons. As we consider that the Bishop has not established an "equitable claim," we cannot, of course, advise Her Majesty's Government to take steps to put him in a better position.

#### HARBOURS, DOCKS, AND PIERS ACT, 1847.—QUESTION.

MR. STEVENSON asked the President of the Board of Trade, If he will direct his attention to the 74th section of "The Harbours, Docks, and Piers Act, 1847," as recently interpreted by the Court of Queen's Bench, whereby a shipowner is declared liable for unavoidable accident caused by his ship to a pier, even when it is admitted that no blame attaches to the shipowner or master; and, if he will consider the propriety of amending the Law so that all shipowners in cases of inevitable accident may enjoy the same exemption from liability in such cases as is conferred by the section on shipowners employing a compulsory pilot, and the propriety in every case of a ship's collision with a pier of limiting the liability of the shipowner, as is done in the case of collision with another vessel.

MR. CHICHESTER FORTESCUE, in reply, said, that where the collision was absolutely unavoidable, it was a most difficult question to say which of the two innocent parties was to suffer. It might indeed be said that the ship might easily be in fault, while the pier could not be in fault. He would promise to direct his attention to the subject; but he did not think it possible to deal with particular cases of this sort without raising other points in which harbour authorities were interested as against the shipowner.

#### POST OFFICE (IRELAND)—SUB-POST-MASTERS.—QUESTION.

MR. PLUNKET (for the Marquess of HAMILTON) asked the Postmaster General, Whether a memorial signed by 250 Sub-Postmasters in Ireland, asking for an increase in the scale of their pay and allowances, has been received by him; whether he will have any objection to lay a Copy of same, and of the answer thereto, if any, upon the Table of the

*Sir Charles Adderley*

House; and, whether it is the intention of the Postmaster General to refer the case of the Sub-Postmasters of Ireland to the Departmental Commission which is about to inquire as to other branches of the Irish Civil Service?

MR. MONSELL, in reply, said, he had received the memorial to which his hon. and learned Friend referred, and in answer to that Question he had to state that there would be no objection to lay the memorial before the House with his reply to it. In answer to the third Question, he had to state that it was not intended to refer the case of the sub-postmasters of Ireland to the Departmental Commission to which he referred, because the sub-postmasters were appointed exactly in the same way as the sub-postmasters in England and Scotland. There were no fewer than 11,000 sub-postmasters in the United Kingdom, and as there was no difficulty in finding suitable persons who eagerly asked to be appointed, any increase of pay would involve a large additional expenditure, without any corresponding advantage to the public.

**EPPING FOREST—EXPENDITURE AND CHARGES.—QUESTION.**

MR. R. N. FOWLER asked the First Commissioner of Works, Why the Return "of the public expenditure and charges incurred but not paid under the Epping Forest Acts of 1871-2," ordered by the House on February 13th, has not been laid upon the Table?

MR. AYRTON, in reply, said, the reason why the Return had not been laid on the Table was, that the officer on whom the duty of preparing the Return devolved had somewhat neglected his duty—that was to say, he fell sick; and though he recovered from his sickness he did not recover that particular attention to this Return which was due from him.

**POST OFFICE—TELEGRAPH DEPARTMENT—HERRING'S TELEGRAPH PRINTING INSTRUMENT.**

**QUESTION.**

MR. W. M. TORRENS asked the Postmaster General, Whether, in the trials about to be made of Mr. Herring's telegraph printing instrument at the Central Station, he will direct that one or more eminent telegraphists shall be

present, to be named by the inventor, in addition to those representing the Department?

MR. MONSELL: Sir, Mr. Herring's instrument has already been very fully tried and reported upon by two eminent telegraphists who are unconnected with the Department. At present no further trial appears to be required. If there should be a further trial, and Mr. Herring should wish any other telegraphists to witness it on his behalf, every facility will be afforded to them. But it must be on the distinct understanding that they are employed by Mr. Herring, and not by the Department.

**SUPPLY—CIVIL SERVICE ESTIMATES—THE VOTE FOR DOVER HARBOUR.**

**QUESTION.**

MR. RYLANDS asked the President of the Board of Trade, Whether, seeing that the Vote for Dover Harbour had been carried by a majority of only 1, he would undertake that no proceedings should be taken upon the Vote until after next Session?

MR. CHICHESTER FORTESCUE, in reply, said, he was not aware that it was the duty of Her Majesty's Government to give any further opportunity to the House to exercise its judgment upon the matter. He would remind his hon. Friend that the Vote was a very small one, and that there was no serious opposition or difference of opinion between the House and the Government as to the merits of a completed harbour at Dover. The question was mainly one as to whether they should make any beginning during the present Session.

**ARMY—7TH LANCASHIRE MILITIA.**

**QUESTION.**

THE O'DONOGHUE asked the Secretary of State for War, If he has any objection to place upon the Table of the House the whole of the Papers connected with the removal of Lieutenant Langford Rae from the 7th Lancashire Militia?

MR. CARDWELL, in reply, said, the case was one in which the Commander-in-Chief had, with his approval, removed the officer in question. It would not be right to lay upon the Table the Reports of the commanding and inspecting officers.

1885

Parliament—

{ COMMONS }:

Public Business.

1885

PARLIAMENT—PUBLIC BUSINESS.  
QUESTIONS.

MR. BAILLIE COCHRANE said, with respect to the Business of the House, he understood the right hon. Gentleman at the head of the Government, that though there was no Supply down for to-morrow, the ordinary Motion for Adjournment would be made to-morrow, with the laudable object of allowing hon. Members, who had Notices on the Paper an opportunity of bringing them forward. He now heard that there was to be no adjournment to be moved to-morrow, but that the House would sit on Saturday. He wished to know, in that case, in what form he could bring before the House to-morrow the Question which stood in his name?

MR. GLADSTONE said, his hon. Friend was quite right in saying that as it would be necessary for the House to sit on Saturday, it would not be possible to afford that opportunity for the Motions of hon. Members which they had anticipated by means of the Motion for the Adjournment. He was, however, going to propose that the House should meet to-morrow at 2, and re-assemble at 9, as usual on Fridays; and the Government would not put down any Order of the Day that would interfere with the Notices of Motion to which reference had been made by his hon. Friend; so that the list would be kept as open for them, he trusted, as it would have been had there been the ordinary opportunity for moving the adjournment. If further Orders should be put down of a nature to interpose a serious obstacle to the bringing forward of his hon. Friend's Motion, he thought it would be right to move that those Orders of the Day be postponed until after the Notices of Motion were taken.

MR. BAILLIE COCHRANE said, in that case he should bring forward his Motion to-morrow.

MR. NEWDEGATE expressed a hope that the recommendations of the Committee of 1861, in reference to this subject, would be observed, and that the Prime Minister would allow the Adjournment of the House to be moved to-morrow, so that hon. Members might have the opportunity they desired of bringing forward their Motions.

MR. GLADSTONE said, he had really no power to put down anything upon

the Paper on Supply, as Supply was closed on the introduction of the Appropriation Act.

MR. BAILLIE COCHRANE presumed there would be no such thing as a "Count-out" to-morrow night.

MR. GLADSTONE said, the hon. Gentleman must exercise his influence among his Friends.

In reply to Lord ELCHO,

MR. GLADSTONE said, that to-morrow he hoped to be able to inform the House with regard to the new constitution of the South Kensington Museum. With reference to the business for Friday, this was how the matter stood. To-night the First Orders were the Duke of Edinburgh's Annuity Bill and the Appropriation Bill. He did not anticipate that the first would tend to a prolonged debate; but on the Appropriation Bill a Notice had been given by the hon. Gentleman opposite (Mr. Slater-Booth) which would lead to some discussion. It was possible, therefore, that these two would make such a considerable aggression on the time for the Indian Budget as to make it difficult to finish that subject to-night. It would be recollect that the Government promised the hon. Member for Sheffield (Mr. Mundella) Wednesday for the debate on the Factory Acts Amendment Bill; but, unfortunately, he only obtained about an hour and a half of that day. He therefore felt that his hon. Friend had a first claim on the Government; and if he were disposed to make that claim—a point on which he had not had an opportunity of communicating with his hon. Friend—his Bill would be put down for 2 o'clock. In the event of his not making it, Friday would be available for the continuation of the debate on the Indian Budget, if it were not concluded to-night. Should the hon. Member for Sheffield go on with his Bill, there would be some hours available on Saturday. [A laugh.] The hon. Gentleman who laughed was jocose; but he (Mr. Gladstone) could not make time. He wished it were in his power to do so. It would save an infinity of trouble, and some needless interruptions, which might well be dispensed with. On Monday the right hon. Baronet opposite (Sir Charles Adderley) would have precedence.

LORD ELCHO said, it was unusual to make such a concession as the right hon.

Gentleman proposed to make to the hon. Member for Sheffield, and he wished to know whether it was a personal favour to one Member, or whether the Government meant to support the Bill of the hon. Gentleman?

MR. GLADSTONE said, the Government had formed no opinion as to the measure of the hon. Gentleman, nor was any personal favour intended, but only the fulfilment of a pledge which had not been fully redeemed by the partial debate of yesterday.

MR. BOUVERIE reminded the Government that on Friday, Orders of the Day had precedence over Notices of Motions, so that the hon. Member for Sheffield, without any engagement on the part of the Government, might by the Rules of the House bring on his Bill to-morrow evening if he chose to do so. Remembering, however, that the Bill was now a debating club question, and not a practical question, he hoped the hon. Member would allow Motions to have precedence of it.

MR. FAWCETT asked whether he was to understand that the Indian Budget would be divided into three snips, beginning to-night, continued to-morrow after the Bill of the hon. Member for Sheffield, and concluded on Saturday, and that the hon. Member for Sheffield, if he wished it, would have precedence of the Indian Budget to-morrow?

MR. GLADSTONE answered in the affirmative. He hoped that Parliament would be prorogued on Tuesday, and he wished to divide the interval in the manner most convenient to the House.

MR. FAWCETT gave Notice that upon one of the stages of the Appropriation Bill he should call attention to the way in which the Government managed its Business.

#### DUKE OF EDINBURGH'S ANNUITY

BILL—[BILL 272]

(*Mr. Bonham-Carter, Mr. Gladstone, Mr. Chancellor of the Exchequer.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Gladstone.)

MR. P. A. TAYLOR, in rising to move that the Bill be read on that day month, said: Mr. Speaker, if it were

not the dream of an enthusiast to suppose that there is such a man as an English Republican, no one would feel more than such a man the respect and authority that attaches to the English Monarchy. I have no doubt there is no one in this House more entirely participates in this feeling than the right hon. Gentleman himself, yet it seems to me he is for ever bringing something before the House and the world which has a tendency to derogate from that respect. The Prime Minister brought a Message the other day to the House from Her Majesty, that she rejoiced in the approaching marriage of her second son, under circumstances most favourable to the happiness, and so forth. The people prepared to rejoice in the rejoicings of Her Majesty; but then the Prime Minister had his bitter potion to administer; the people must rejoice with tears, having to pay more taxes. Now, Sir, I have never been a professed enthusiast for Monarchy in the abstract; but I confess there is something to me repugnant and inappropriate in the fact that this ancient Monarchy is for ever being dragged before the already sufficiently oppressed taxpayers, in the character of the daughter of the horse-leech, for ever crying—"Give, give." And, Sir, in my opinion, this position of the right hon. Gentleman is entirely a mistaken one. There is no class in this country, I believe, who are desirous of dealing with the Crown in a niggardly or parsimonious spirit. I believe there is but one desire among all classes of the population, and that is that the Queen should be treated liberally in her Civil List. But what they do desire is, that this should be done upon some intelligible principle, and that they should be able to understand to what extent it is to be carried out—how far that principle is to be made to extend. In a word, the people of this country do not like to be alternately goaded and cajoled, and in either case to be left in utter darkness. The Solicitor General, speaking the other day on the Crown Private Estates Bill, drew a distinction—and a very fine one—between concealment and non-disclosure. I will take either expression, and I will say either concealment or non-disclosure in regard to the accumulations of the Crown and its pecuniary relations with the people, if not a crime, is what is sometimes considered worse than a

crime—a blunder. The right hon. Gentleman has been peculiarly unfortunate, for within the last fortnight he has brought into the House, and carried, the Crown Private Estates Act, upon which I must say a few words, as it has an apparent relation to the matter now in hand. That Bill was very tough reading for a layman. I found it more than ordinarily confused and difficult to comprehend, and I do not think the House understood it better, for we had one interpretation from the Prime Minister, and another from the Solicitor General, while the hon. and learned Member for Taunton (Mr. James) did not make it more intelligible and distinct. But it became sufficiently apparent that the idea and principle recognized there was, that the occupant of the Throne can hold and accumulate wealth, for himself or herself, and can give or bequeath it in the form of realty or personality, just as though it were the property of an individual. We have passed that Act, and now the right hon. Gentleman comes to the House and asks for an allowance for one of the sons of the Queen, and bases the demand on the old principle and on the old form. I do not know whether the words used are the same now; but they used to be that the Crown asked Her faithful Commons for a provision for Her son, on the specific grounds that by law She is prevented from providing for him herself. Charles James Fox, on the debate on the Civil List of the Duke of York, in 1792, in which debate he took a warm interest and gave a hearty support to the Crown, laid down this principle—

"With respect to provision for princes of the blood, the first question, when application was made to Parliament would naturally be—Is the Civil List inadequate to the purposes of fully maintaining and supporting them?"—[*Parliamentary History*, xxix. 1008.]

Now, I think the right hon. Gentleman should let the House and the country distinctly understand what are his views on this matter. Does he hold with the old constitutional doctrine—that the Crown is not entitled to accumulate and bequeath—at any rate, landed possessions? The hon. and learned Member for Taunton (Mr. James) spoke of those who hold that opinion as antideluvian people—behind the spirit of the age. Yet, not so very long since, Sir George Lewis, a high constitutional authority, put this in as strong and powerful

language as the English language is capable of. He said—

"It has been deemed a matter of policy in this country to strip and denude the Sovereign of all hereditary property, and to render him during his life entirely dependent upon the bounty of Parliament."

Does the right hon. Gentleman hold with that theory, or does he not? If he holds with the theory that the Crown can hold property, he is bound to show us the necessity of this grant he brings forward, and bound to lay before us an account of the property the Crown has to dispose of; but, if he does not hold with that principle, we want to understand what is the meaning of the Crown Estates Act which the right hon. Gentleman has just passed. The Solicitor General said the other day in relation to the Civil List—

"Hon. Members said that if on a future occasion the House should be about to settle the Civil List, and the Crown should be in possession of large landed estates, it might affect the settlement. Certainly it might; but before the House of Commons settled the Civil List it would ask for a statement of what this property consisted of. Had the House never heard of such inquiry being made into the revenues derived from the Duchies of Cornwall and Lancaster?"

This was the view put forward when the object was to find an argument for the Crown Estates Act; but as soon as we have to do with a grant such as is asked for to-day, the Government steadily refuse all information on the subject. In the same debate the right hon. Gentleman (Mr. Gladstone) observed—

"It was only during the present reign that they had learnt to look with any feeling of kindness on the economy and good husbandry of the Civil List. . . . It was for the interest of the country in every sense that there should be thrift and good husbandry in the Civil List."

No doubt, the people do desire economy and good husbandry in the management of the funds which they generously give for the benefit and the comfort of the Crown, and they do desire that they should not be spent lavishly. But what they object to is, the habit of concealment on all these matters. If there were frank openness and freedom as to what are the pecuniary relations between the Crown and the House, these difficulties would never arise. But it has been openly declared and hardly denied, while all inquiry has been steadfastly refused, that the grants in the Civil List for specific expenses based upon the actual expenditure of the last reign, amounting to upwards of £300,000 a-year, have

been largely economized; that the money has not been expended; that the honour and dignity of the Crown did not therefore demand these large amounts; but that the savings are not applied in diminution of taxation—a species of thrift which would indeed be for the interest of the country—but that large sums are, by the connivance of the Treasury, systematically placed to the credit of the Privy Purse. I do not know whether it is true or not. I should like to believe that there is not a word of truth in it; but with this concealment is it wonderful that it should be believed that the result is an enormous aggregation of the Privy Purse? It must be common to most of us to hear it whispered, with every appearance of belief, that enormous accumulations have, in fact, been made by such savings from the Civil List. I mentioned, in giving Notice of opposition to this Vote on Tuesday, that this demand was absolutely unprecedented, and this I will now proceed to prove. My assertion is, that there is no instance,—take the last century—in which a demand for money has been made upon the marriage of any Royal Prince, apart from the question of its importance to the country in regard to the succession to the Throne. Now, I do not know whether it is necessary to enter into the question of the possible succession to the Throne in this case. But this point was only just alluded to, and had any importance attached to it, the House would hardly have been content with the off-handed way in which the Prime Minister answered the hon. Member for North Warwickshire (Mr. Newdegate) and the hon. Member for North-east Lancashire (Mr. Holt), as to the religion of the Bride that is to be. I should entirely agree that it was an impertinence to ask that question; but what reason could the right hon. Gentleman have for saying, that it was no use to ask it, unless he means to repeal the Act of Settlement. It is really just as easy to ask the Grand Duchess whether she is a member of the Greek Church, as to ask her whether she is a Papist. But there is not, in fact, any idea that this marriage affects the immediate succession to the Throne. As to another assertion which may be made—that it is distinctly for the political interests of this country that an alliance should be made between us and Russia—I will allude only very briefly. The

time when political interests were supposed to be forwarded by marriage alliances has passed away. When I remember the time of the Crimean War, and the lame and impotent conclusions by which we gave up those things which we once thought worth fighting for, and which we believed we had justly obtained, I believe it is true that we lose more by diplomacy than we gain by force of arms. Without sinister anticipations, I am not at all sure whether the interests of this country will be advanced by an alliance with the Colossus of the East. His aims and purposes are rather at variance, than in harmony with ours. I come now to one of the grounds on which I oppose this grant, and that is that it is unprecedented. The first instance to which I shall refer is in 1792, when provision was moved for the Duke of York, specifically on the ground that it was highly desirable that there should be a direct heir to the throne, and the heir had shown no apparent desire for marriage. The position of affairs is so well described in the words of Sir Matthew W. Ridley, in 1815, that with the permission of the House, I will quote them. He says, speaking on the question of the allowance to the Duke of Cumberland—

"Nothing came near to this question as a precedent, except the marriage of the Duke of York, which only bore to it a very remote analogy. On making a provision for the Duke of York, a view was had to the probability of the succession of his marriage, as the Prince of Wales entertained at that time no idea of marrying. But a material change had since occurred." [In the birth of the Princess Charlotte.] "With respect, however, to the marriage of the Duke of Cumberland, it was not one which ought to be looked at in a national point of view, or which rendered it necessary on this ground for Parliament to step in to vote a grant for increasing the income of the parties."—[*1 Hansard, xxxi. 1024.*]

That grant was refused. The whole case changed within the next few years. The whole nation mourned with an intensity—as I have been told by those who preceded me—before unheard of, the death of the Princess Charlotte. The position of affairs is described in *Martineau's History of England* during the 30 years' peace—

"Some rather remarkable proceedings took place in the course of the Session in relation to the Royal Family, no fewer than four members of which were married in the early part of this year. 1st Elizabeth, 3rd daughter;—in this case the two Houses of Parliament were asked only to offer their congratulations to the Regent,

the Queen, and the new-married couple. As the bride had completed her 48th year, her marriage could not be expected to contribute anything towards continuing the line of the old King, who now, notwithstanding his 15 sons and daughters, twelve of whom were still alive, was left without any descendant beyond the 1st generation."

April 18th—a few days later—Messages were sent to both Houses from the Regent stating that treaties of marriage had been drawn up for the Duke of Clarence and Duke of Cambridge, and which went on to say that—

"After the afflicting calamity which the Prince Regent and the nation have sustained in the loss of his Royal Highness's beloved and only child, the Princess Charlotte, his Royal Highness is fully persuaded that the House of Commons will feel how essential it is to the best interests of the country that his Royal Highness should be enabled to make a suitable provision for such of his royal brothers as shall have contracted marriage with the consent of the Crown."—[*1 Hanover*, xxxviii. 1.] [Asked £10,000 for Clarence, and £6,000 for Cumberland, Cambridge, and Kent if he should marry. The £10,000 was reduced to £6,000 with loud shouts of approbation; the £6,000 for Cambridge was carried by 177 against 96, and the Duke of Cumberland's negatived.]

Of the proposed Vote of £6,000 a-year for the Duke of Kent the same historian says—

"Of all these Royal marriages this was the one which the heart of the country went most along with; the Duke of Kent had attached himself to the popular party, and the relationship of the lady to Prince Leopold and the lamented Princess Charlotte, was of itself sufficient to awaken a strong interest in her favour. If the nation might have had its wish, it would have been from the first that that should happen which has actually fallen out, that to the issue of this marriage the inheritance of the Crown should descend. Yet even the grant of the additional £6,000 a-year to the Duke of Kent was stoutly opposed in the Commons; 51 Members, among whom were Lord Althorp, Mr. Coke of Norfolk, Lord Folkestone, Mr. Lambton, and Mr. Tierney voting against it."

All these extracts bear upon the point that it was essential there should be Heirs to the Throne. I will further, with your permission, read a few extracts from the reports of that time, and I may say in reading over those reports that, although I have always been a zealous Parliamentary Reformer, yet I have felt a degree of shame that the debates of the unreformed Parliament showed a manly independence and absence of sycophancy and flattery which a reformed Parliament might do well to imitate—

Lord CASTLEREAGH said—"Of the twelve children of his majesty, seven were sons, and five

daughters. But not one of them had a child to present a hope of direct inheritance of the throne. . . . To excite some of the members of the royal family to marriage, was now an object of much importance to the country. . . . A single marriage would not satisfy the anxiety of the people."—[*Ibid.* 79-80.]

"Mr. CANNING—With respect to his royal highness the duke of Clarence, he could assure the House that his royal highness would not have thought of contracting this marriage, . . . if it had not been pressed upon him as an act of public duty."—[*Ibid.* 107.]

"Mr. BROUHAM—He was justified in saying, that while the House would not hesitate to vote some allowance to those members of the royal family whom it was desirable to see married, and who would not be enabled otherwise to contract marriages, so they were bound by their duty to their constituents to refuse grants to those to whom they were not necessary. . . . If the noble lord, therefore, could not assert that without this allowance his Royal Highness's private and public income would not enable him to marry, he should give the motion his negative altogether. . . . It was also understood that her majesty had very considerable property. . . . It seemed to be natural, that those who had large incomes, and property saved by a wise practice of economy, should furnish at least a part of the assistance wanted."—[*Ibid.* 122-3.]

"Mr. TISBURY: If the noble lord would say that the proposed marriage could not take place unless this grant were acceded to, he would immediately vote for it—if not, he felt that he must vote against it."—[*Ibid.* 136.]

"Mr. PLUMBERT: The application of the noble lord rested on the abstract principle, independent of time or circumstances—that on the marriage of any individual connected with the Crown, his income should, of necessity, be increased. Where precedents were to be found for such a system, he knew not; and he was sure that nothing in reason or in justice could be discovered to sanction it."—[*Ibid.* 137.]

Mr. Curwen (on Duke of Kent)—

"He did not know that he had ever acceded to any pledge, by which he was bound, in all cases, to make a provision for every branch of the royal family, when a marriage was about to take place. . . . Had not the illustrious duke parents? Was not her majesty in possession of a very considerable sum, derived from the privy purse?"—[*Ibid.* 727-8.]

Now, I say that the whole course of these debates proves the position which I have laid down—that there is no precedent in the last century for the grant upon marriage of an additional allowance to a Royal Prince, unless it could be shown to have some distinct relation to the interests of the people with regard to the succession to the Throne. I say upon this ground the grant to the Duke of Edinburgh fails altogether, for it is not on the ground of any particular advantage to the community that his mar-

riage takes place. But suppose the marriage was an advantage to the country, he has £15,000 a-year already, and at any rate we are bound to know that an increase is necessary, and until the right hon. Gentleman gives us that assurance he is not entitled to ask for an increase of that amount. I say £15,000 a-year is, under any circumstances, in my opinion, ample allowance. At present this country is divided into two great classes, the veriest poor, and a small number of the very rich; putting on one side, for the moment, the middle class. Now, I look upon it as unconstitutional and dangerous for the Prime Minister to be continually intimating to us that the incomes of our Princes should be put on the level of the wealthiest classes in this country. But, Sir, this grant is not as Lord Brougham said, the question of amount—it is a question of principle. I shall not profess to speak for any number of persons outside the House—such assertions are easily made and equally easily denied—but I have some right to speak for 10,000 working men of Leicester, enfranchised by the last Reform Bill, who have sent me here to look after their interests. They are persons who, with the utmost industry and exertion, can do little more than exist, and who certainly do not enjoy many of the luxuries of life; and I am not here to give their sanction—however small the increase to their taxation—to an addition to a rent-roll which even as £15,000 a-year will appear to them something like the wealth of the cave of Aladdin. I do not know what the hon. Members for Scotland are going to do in this matter; but I would ask them whether, when one-third of their population live in houses of one room, this is a time for an increase to a Royal income, which already amounts to £15,000 a-year? But perhaps the most remarkable feature of this proposal is that it is made by an economical Government; by a Government which largely based its claims to the confidence of the people on the ground of their intended economy. I fear that their economy comes to an end when they have practised the principles of what they call political economy. This Government based its claims to the confidence of the people on the ground that they were to study economy. I fear they only study economy when they practise political economy upon some

overworked Post Office official, or some underpaid Civil Service clerk; but when they come to a Zanzibar contract, or a Royal requisition, the lavish looseness of their economy was never exceeded. We get some insight into the elastic nature of the economical principles of the Government in a speech by the hon. Gentleman the Under Secretary of State for the Home Department (Mr. Winterbotham) who at Colchester, the other evening, in the course of an admirable address, said—

"The present quiet he disliked, and preferred a good hot contest. It was in these quiet times that measures of class and personal interests got the upper hand of Parliament. For instance, one strong point of the Liberal programme was the question of economy, and no doubt, great reductions had been made; but in this quiet time they found men representing small personal interests getting up, and through them resolutions were passed pledging men to expenditure which, in the earlier days of the Government, would have been impossible."

There was published a few days ago a list of the pensions granted in the last year—a list of England's penurious liberality. Seventeen names! One only need glance at it to see that they represent an amount of worth and useful work which a nation may well be proud of. Seventeen names, with an average of less than £75 each; such names as Somerville, Waghorn, and Livingstone. To these the right hon. Gentleman adds an eighteenth—H.R.H. the Duke of Edinburgh for condescending to marry the richest heiress in Europe, £25,000 a-year! In conclusion, I will venture to address one word to the independent Members of this House. Let them judge of the truth of what I have said upon its own merits; do not let them despise it because it comes from one of the humblest Members of this House—one of a small band of so-called extreme men. We are usually governed by party in this House, and in case of any gross outrage—some enormous extravagance to be carried out—there will be lynx eyes ready to warn this House; but on questions connected with Royal dowries the independent Members are left to their own resources. There is a conspiracy of acquiescence between the two parties in the House. We are told in the memoirs of Baron Stockmar, that ever since the unfortunate cutting-down of the allowance to the Prince Consort such matters have been arranged be-

the great body of the House does not agree with him, and I am perfectly convinced that the great body of his fellow countrymen do not share his sentiments. He belongs to a very advanced party. He thinks there is a good time coming—Heaven forbid I should live to see it—when we shall have no Crown, no Peers, no parsons, no partridges, and even no Church. Such are, I believe, the aspirations of my hon. Friend; but such are, I think, not the feelings of the great bulk of Englishmen. They as well as I, I am sure, feel not only in reference to ourselves, but comparing our condition with that of neighbouring nations, that we ought to be very thankful we have a Royal Family, and that the race of that Family is likely to be continued. The very facts which have been brought forward by my hon. Friend indicate to what risks we might be reduced in that respect, for I believe it to be in the highest degree essential to the happiness and prosperity, and even the liberties of this country that we should always have a Constitutional Royal Family. The statesmen of the time to which my hon. Friend has referred contemplated—and must necessarily have contemplated—with alarm that the succession to the House of Brunswick might have failed altogether; and, looking upon the matter in the lowest and most utilitarian point of view—laying aside any question of sentiment, and that feeling of loyalty which, I believe, still burns in the hearts of the great majority of our countrymen—it would, in my opinion, be the greatest possible affliction to the material interests, to the commerce and progress of the nation, that questions of dispute as to the succession to the Throne of these realms should arise, and that we should be subjected to anything like that which we see on the other side of the Bay of Biscay in the Spanish Peninsula. But it is not upon this lower ground that I base my support of the present Bill. We have in this country a Royal Family who sympathize with us in our pursuits and feelings, who enter into our ordinary enjoyments, whom we see day by day, and who endeavour to play a useful part among their countrymen. The particular Prince, the grant to whom we are now discussing, takes his part like an Englishman in discharging the duties of his station. He belongs to a profession

which is most popular among us, he has distinguished himself as an officer in that profession, and is supposed to be one of its ornaments. Are we, then, who represent the taxpayers of this country, to say that we shall debar him or the other Princes of the Royal Family from entering into domestic life? [“No, no!”] Yes, it really comes to that—the Royal Princes of a previous generation to whom my hon. Friend referred, appear to have considered themselves debarred, owing to the arrangements made in their case, from entering into domestic life. We regard that as the happiest side of English life; at least I do for one, so long as the ladies have not that preponderance in the state for which my hon. Friend wishes, but which I say Heaven forbid. But as long as the home and the fireside are the true objects and sources of happiness of English men and women, so long we ought, I think, to do all in our power, within reasonable and moderate bounds, to promote those objects in the case of a Royal Family, which for the best part of two centuries has contributed largely to the prosperity, welfare, happiness, and enjoyment of the people over whom they reign. I will only add that I give my most hearty support to the proposal of the Government.

MR. GLADSTONE: I am extremely sorry that my hon. Friend (Mr. Taylor) has found it necessary to offer an opposition to this Bill, as it will entail upon me the necessity of detaining the House for a few minutes; because, as he has been compelled by his sense of duty to enter upon a discussion of the question, it would not be right that I should leave the points mentioned by him unnoticed, although I believe, so far as the general sentiments of the vast majority of the House are concerned, they have been expressed with perfect truth by the hon. and gallant Gentleman opposite (Colonel North) and my right hon. Friend who sits behind me. In the first place, as to the charges of the two hon. Gentlemen against the Government, I will dispose of them very briefly. My hon. Friend says I have maintained a habit of concealment as to the condition and circumstances of the Royal Family. He gave no particulars of that charge, and I affirm that I have maintained no such habit of concealment. I believe, myself, that, in a reasonable sense, the better the

country understands the circumstances of the Royal Family the better it will be satisfied. But the hon. Gentleman says my doctrine is that the income of the Duke of Edinburgh ought to be raised to the level of that of the richest classes in the country. I appeal to the House whether I laid down any such doctrine. Nothing fell from me that could by any licence of exaggerated construction be twisted into such a doctrine. The hon. Gentleman must know perfectly well that the wealthiest classes in this country—the great manufacturers, merchants, and landowners—have incomes far exceeding that which we ask the House to vote on this occasion; and he must also know—or ought to know—that the incomes of members of the Royal Family are, to a considerable extent pledged, and, I may say, predestined to meet expenses in the nature of establishments, with regard to which the demands of society leave them no option whatever; whereas the wealthy merchant or manufacturer may spend his money exactly as he pleases. Therefore, nothing could be more unjust than the comparison the hon. Member has drawn in that respect. He also twists the Government as to its economy. I suppose he was not here during the discussions on the Supreme Court of Judicature Bill, or he would have known whether, as to the salaries of the Judges of the new Court, we were more yielding than we were in regard to the salaries of clerks. The hon. Gentleman says Mr. Fox asked in the last century, whether the Civil List was adequate for the maintenance of the Royal Princes? and he states that the Liberal leaders of the present day are making demands which would not have been made by Mr. Fox. I can give him a pretty good proof of the state of circumstances in which Mr. Fox spoke of the adequacy of the Civil List. The Civil List was, at that time, of an enormous amount, and was also charged with many public expenses with which it is not now charged, but it was computed to yield a larger sum to pay for the expenditure of the Court than the present Civil List. But what were the circumstances in which Parliament was placed in those golden days to which my hon. Friend referred? Why, Sir, they were these: that although George III. was proverbially economical, and although he was a most honourable and

upright man, yet demands for the payment of his debts on the Civil List were made to Parliament and answered by Parliament in 1769, in 1777, in 1802, in 1804, in 1805, in 1815, and in 1816. The aggregate amount of those demands was £3,297,000. These were the circumstances of the time to which the speech of my hon. Friend, if his reference was worth anything, would tend to carry us back. Then he tells us that the late Sir George Lewis said the policy of this country was to strip the Crown of hereditary property. He did not give us the reference to the passage; but he knows perfectly well that when Sir George Lewis spoke of that he spoke of the Crown estates, and made no allusion to the few hundred acres of land that surround Osborne, or the few thousand acres of moor that surround Balmoral; and my hon. Friend's reference could only have the effect of bewildering the House if it were not too well informed for that to be possible. The hon. Member further says I gave the other day an off-hand answer to the hon. Members for North-east Lancashire (Mr. Holt) and North Warwickshire (Mr. Newdegate). At any rate, I gave more of an answer than the House appeared to desire; and I had the most intelligible admonition from the House that it would be better pleased if I gave no answer at all. I gave that reply not because the House required it, but because, perhaps, some people out-of-doors who are not well informed on the subject—probably some of them may be in Leicester—might have misunderstood my silence on that occasion. It would be easy for me, if it were necessary, to give the assurance to the House, which, I think, is really quite needless, as to the intentions of the Crown, which could never be doubted in the case of a British Sovereign, and least of all in the case of Her present Majesty, to observe in letter and in spirit the ancient laws governing the succession to the Throne and the marriages of members of the Royal Family. And if the question had been asked of me, not in the manner in which it was asked, as to the personal habits which the illustrious Princess was to pursue, but with regard to that in which the country might naturally feel an interest—namely, the children with which I hope the union may be blessed—I should have had no

hesitation in saying that the children will be brought up in the Protestant religion as professed by the Duke of Edinburgh. My hon. Friend went on to say it was requisite that the Civil List of this country should be founded on an intelligible principle. Well, I contend that it is founded on an intelligible principle. You must proceed in either of two ways—either you must give the Queen a Civil List with a very large margin, and then you may fairly expect that she will not come to Parliament to make provision for the Royal children; or, if you choose, you may give Her a Civil List carefully adapted to the probable expenditure of the Court, and then you may be prepared to face contingencies. Which of these courses is the most constitutional? I affirm that the course actually pursued is so. It maintains the control of Parliament; it enables Parliament to observe the conduct of the Royal Prince; to back up the parental authority of the Sovereign, and to form its own judgment from time to time as to the course it may be right to adopt. But the doctrine of the hon. Member, if it has any effect, comes practically to this—that we are at the commencement of every reign not merely to reckon the amount of the probable expenses of the Privy Purse, and have a Civil List proportioned to that amount, but that we should also throw in a large sum to enable the Sovereign to make provision for her younger children, and thus establish to a great extent the independence of the Crown of Parliament, instead of its dependence upon Parliament. If that dependence is to be established, as I hope it always will be, it requires the exercise of great wisdom and discretion on the part of Parliament to meet that state of things. It would be alike unwise and ungenerous for Parliament—for purposes such as seem to be contemplated by my hon. Friend—to take advantage of that arrangement which binds the Crown to come to Parliament to provide for these occasions when they arise. My hon. Friend has laid down in one part of his speech something like a proposition, with which it is practicable to grapple. He says there is no precedent for a grant on a Royal marriage except with reference to the succession to the Crown. That is in the first place not correct, and in the next place it is not relevant. As to

the case of the Duke of Clarence, the third son of George III., the hon. Gentleman is aware that on that occasion, when he quoted the language of Mr. Canning, which did not fail to amuse the House, the House was willing to vote, and did vote, a sum to be offered on the marriage of the Duke of Clarence, although not so much as he expected; and that, acting ingenuously on the declaration which Mr. Canning made, he allowed the matter to go by. But there is another case—namely, that of the Duke of Cambridge, who was the youngest son of George III., and, in respect to that Prince, who had £21,000 a-year, an additional £6,000 was voted in 1820 on his marriage. Therefore, my hon. Friend is not accurate in stating that these steps have not been taken by Parliament otherwise than in reference to the succession to the Crown—unless, indeed, he deprives his own proposition of all meaning by saying that everything that is given on the marriage of a Royal Prince has reference to the succession to the Crown; and in that case we have a right to claim that our proposal should have the benefit of that principle. But my hon. Friend's proposition is irrelevant. The question is whether the aggregate allowance which is proposed is an unbecoming allowance; is it an extravagant allowance? My hon. Friend speaks of the 10,000 men of Leicester who would oppose the vote. I desire to say that I have more faith in them than he has; and I doubt whether he has correctly represented their opinions. What is the real state of things? £130,000 a-year is now the aggregate of the incomes granted from the taxes of the country to the Royal Family, together with £385,000 for the Civil List. These sums make a trifle more than £500,000 per annum; and I ask, whether, for a country with an annual income of at least £800,000,000, that is, after all, an extravagant sum. And not only that, but, looking at the number of men in the country who count their share of that vast revenue by tens, fifties, and some even by hundreds of thousands, we maintain that, under those circumstances, allowances of this kind must have some relation to the state of society, some reference to the expectations formed from those social relations and ties which it would be very difficult to break, and which it would be mischievous to break.

if the thing were possible. I was sorry to find my hon. Friend use against this proposal the argument that it was to be rejected because the Duke of Edinburgh was about to marry the wealthiest heiress of Europe. My hon. Friend was well told by the hon. and gallant Member opposite that if he chooses to declare on his own authority this illustrious Princess to be the wealthiest heiress of Europe, he ought to be certain that such is the case. Does he know it? He does not know it. He has taken up the idle rumours of the street — rumours doubling and trebling anything that we have the least reason to suppose will be possessed by the illustrious Princess. I rejoice to believe—although we are not in possession of accurate particulars—that this Princess is well endowed relatively to the usual rates of such jointures. But, I ask, are we really reduced so low that because a British Prince is going to marry a Princess abroad who has somewhat more than would, perhaps, be commonly found to be possessed in these cases, we are to go, cap in hand, to make that marriage, and to require and pray that there may be deducted from the allowance we are to vote as much as has been added on by the fact of her being a wealthy Princess? Does the hon. Gentleman think he could himself stand up in the face of that 10,000 men and make such a proposal? For my part I reject the idea altogether. I submit to the House that the real question is the reasonableness of this allowance. Is it to be a reasonable allowance in the aggregate? It is politic and it is wise that, with the sanction and approval of Her Majesty, instead of giving the full allowance to the young Princes while they were still bachelors, we should reserve a portion of it until they are married. I say that we are acting on a sound and wise principle. If, on the other hand, it be the judgment of this House, in the circumstances in which we are placed, that £25,000 a-year is an improper and extravagant sum for us to vote for the second son of the Queen of Great Britain and Ireland, in the century and the society in which we live, and with the expectations which are entertained by a person of that station, then let us vote with my hon. Friend. I believe, on the contrary, that the firm conviction of the House is exactly in the opposite direction; and I entreat hon.

Members to vote by such a majority as will distinctly express the view of the entire Parliament of this country that they will grant to Her Majesty a sum, which we believe to be moderate and just, for I think that if we fell short of it we should fall short of the duty we owe to the Queen and the country.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 162; Noes 18: Majority 144.

Main Question put, and agreed to.

Bill read a second time, and committed for To-morrow, at Two of the clock.

#### NOES.

|                         |                    |
|-------------------------|--------------------|
| Bright, J. (Manchester) | Miller, J.         |
| Brown, A. H.            | Muntz, P. H.       |
| Buckley, N.             | Potter, T. B.      |
| Carter, R. M.           | Rylands, P.        |
| Dilke, Sir C. W.        | Shaw, R.           |
| Dixon, G.               | Wedderburn, Sir D. |
| Ewing, H. E. Orum-      | White, J.          |
| Fawcett, H.             |                    |
| Lawson, Sir W.          | TELLERS.           |
| M'Laren, D.             | Anderson, G.       |
| Mellor, T. W.           | Taylor, P. A.      |

#### CONSOLIDATED FUND (APPROPRIATION) BILL.

(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

#### SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH said, he was sorry to stand between the House and the Appropriation Bill, the more so as he agreed with the First Lord of the Treasury that such a course should be reserved for occasions of importance. He conceived, however, that he had ample justification both by reports of recent Committees and by observations which had fallen from hon. Members in debate during the last few weeks, in drawing attention to the unsatisfactory relations at present existing between the Treasury and the other Departments of the State. If he required further justification it might be found in the fact that when the present Board of Treasury was first constituted it assumed a new and unprecedented shape, because a third Lord was added in the person of the right hon. Member for Halifax (Mr. Stansfeld), and a fourth in the person of a noble Marquess from "another place" (the Marquess of Lansdowne), who was kind enough to serve

his apprenticeship in public business without salary. At the commencement of the Session of 1869, he drew the attention of the Chancellor of the Exchequer to these changes, and asked for an explanation, which was then given; but he still thought those changes were made in the wrong direction. What was required, in his opinion, was to strengthen not the political representation, but the permanent element of the Treasury. It would seem that the Government on reflection agreed in the justice of those criticisms, for when the then Secretary of the Treasury (Mr. Ayrton) was removed to the Office of Works, the Third Lord took his place, and the vacancy thus created was not filled up. In process of time the right hon. Gentleman opposite (Mr. Baxter) succeeded to the Secretaryship of the Treasury, who, although he had left his mark at the Admiralty, had not, if he might be permitted to say so, taken that part in his present office to which by his talents and previous exertions he was entitled. With regard to matters arising out of the Committee of Public Accounts, that Committee made a Report in March suggesting that an inquiry should be made by the Treasury into the irregularities then existing in certain Departments. An inquiry was instituted, and the result had since been laid before the House; but it appeared that the inquiry took three months to report. He should have thought three weeks instead of three months would have sufficed for such a work. What had been the consequence? The debate on the subject was hurried over in four hours, while if it had taken place at an earlier period of the Session, it might advantageously have occupied two nights. It seemed that the regulations for the due disposal of the Savings Banks money had been set aside so long ago as 1868, and that fact must have been well known to the Treasury officials; and yet up to the present hour those regulations had never been insisted upon. When the Treasury Minute was produced, in consequence of the Commissioners' Report, he observed that this flagrant omission to comply with the terms of the Act of Parliament was not even alluded to. The Treasury Minute did indeed contain a clause to the effect that the Treasury would determine, after communication with the Post Office

authorities, the form in which the different statements of accounts were to be rendered, and that it might be necessary to appoint a Committee on the subject; but this seemed to him a perfunctory way of dealing with what might easily have been dealt with on the spot. The other day the Chancellor of the Exchequer and his private Secretary, in their dealings with Mr. Scudamore, and in relation to the national business of the Post Office, really assumed functions which the Treasury Department ought, in his opinion, to undertake; and the Report of the Select Committee on the Cape of Good Hope and Zanzibar Contract confirmed the same view. In that case the transactions were sometimes conducted by the proper officers of the Treasury and the Postmaster General; but very frequently by the Chancellor of the Exchequer and his private Secretary behind the back of the Postmaster General. It was probable that if the Zanzibar Contract had gone through the usual process the case would have presented itself more clearly to the mind of the right hon. Gentleman. During the whole of the Summer of 1872 the Secretary to the Treasury took no part in the arrangement of the contracts, although he was an official who ought to have been consulted, because he had been the exponent of the policy of the present Government in those matters. Over and over again in the last Parliament that right hon. Gentleman brought forward the cases of the Cunard, the Peninsular and Oriental, and this very African contract, and he was supported in his views by the present President of the Poor Law Board and other Members now on the ministerial benches. The first thing the present Government did was to instruct the noble Marquess then at the head of the Post Office (the Marquess of Hartington) to lay on the Table a Motion altering the Standing Orders, and laying down the rule that no contract should be valid until it was approved by the vote of that House. The Chancellor of the Exchequer appeared the other day to complain of this rule; but as he was a Member of the Government who proposed it, he must be taken to have approved of it. He agreed with the right hon. Gentleman that the rule was sometimes inconvenient, although from what had occurred it was probable that postal con-

tracts would not be so numerous in future as they had been in past times. This was, however, only another instance of the want of accord between the right hon. Gentleman and the other Members of the Government. It appeared that the Secretary to the Treasury signed some of these papers without having read them and without knowing what they contained. Being asked a question on this point by the Committee, he said that he had initialled these papers ministerially; whereas the Chancellor of the Exchequer said there was no such thing as initialling papers ministerially. The Chancellor of the Exchequer flatly contradicted the Secretary to the Treasury, and said that the latter was responsible, and that he (the Chancellor of the Exchequer) was not. He thought the House had cause to complain that the Treasury, as a Department, was not allowed to have its full share in making arrangements, before the Chancellor of the Exchequer came in to approve of or to alter them, and that they had no record in the Treasury of the detailed operations in connection with the subject, which he thought ought to have preceded the action of the right hon. Gentleman. The inquiries before the Civil Service Expenditure Committee disclosed a like unsatisfactory state of things. Their Report dealt mainly with the clerical establishment of the Departments, and with the question whether the Treasury exercised proper control in fixing these establishments and regulating the public expenditure. This Committee also regretted to find that more harmonious action did not prevail between the Treasury and the Departments. They especially referred to the controversy which had prevailed for a long time between the Treasury and the Board of Trade as to the establishment of the latter Department, and pointed out the absurd result of that controversy, which ended in the fixing of an establishment which was disapproved as excessive both by the Treasury and by the permanent head of the Board of Trade itself. With regard to the mode in which compensation was granted on the abolition of certain offices, the Act of Parliament required that under special circumstances a full salary should be granted; but it did not appear that the proper officers of the Treasury had ever made the

necessary inquiry into special circumstances. He thought that the natural authority and responsibility of the officers of the Treasury should have been allowed to have full sway. It was the absence of that method of proceeding which seemed to him to demoralize the action of the Treasury, and to render its relations with the other public Departments far from satisfactory. With regard to the examination of clerks for the different Departments, the Orders in Council provided that the head of each Department should regulate the mode of examination for his Department in consultation with the Civil Service Commissioners; but the new system which had been introduced by the Chancellor of the Exchequer superseded the Orders in Council, and if it was intended to pervade the whole service, the public ought to be informed of the change. Another Report from a Select Committee, laid on the Table to-day, related to writers in the Civil Service. After repeated efforts by the hon. Member for Chatham (Mr. Otway), this Committee was appointed in order to "let down" the Government easily from the position they had taken up, and he believed the decision of the Committee upset the policy of the Government on this subject. It was a most extraordinary and unprecedented thing to see the House of Commons night after night and week after week taking up the cause of the servants of the Crown against the Treasury; but he feared the Government were in the habit of resisting the claims of public servants too long, and then they were obliged to yield to pressure in the House of Commons, perhaps twitting the House in the next Session for forcing expenditure upon the Government. Many instances of this kind must be in the recollection of the House of Commons, and he need not dwell upon them. The Supplementary Estimates also exhibited, in his opinion, an unsatisfactory state of things, showing that the Treasury did not make up its mind in due time upon the proposals which it desired to submit to Parliament. The greater part of these Supplementary Estimates might have been decided upon before the meeting of Parliament, or, if not, they might well have been left over till Parliament met again. He would not allude to the controversy respecting the embankment of land adjoining the Houses of Parlia-

ment; but everyone must see here a want of harmonious action between the Treasury and the Department of Works as between the Treasury and the Board of Trade, which was much to be regretted, and which would, he hoped, be remedied before the next meeting of Parliament. The position of the Treasury, as the great controlling Department, quite irrespective of the Chancellor of the Exchequer for the time being, should be maintained and strengthened by every means this House could command. There was no security for public economy so great as the security afforded by the traditional habits and policy of the Treasury. The great abilities of the Chancellor of the Exchequer, however, should be reserved for great occasions, instead of being spent in doing the work of subordinate officers in his own Department. He thought it would be well if notice were given to the other Departments that the authority of the Treasury would be more strictly maintained than it formerly was. The subject was worth attention, for the public must feel that the existing state of things was unsatisfactory.

THE CHANCELLOR OF THE EXCHEQUER expressed his acknowledgments to the hon. Gentleman opposite for the very fair and temperate manner in which he had touched on topics which, no doubt, in other hands might have admitted of very different treatment. He also thanked the hon. Gentleman for the opportunity thus afforded him of giving explanations which it was desirable the House should receive and which he was very anxious to make. With his permission he would first touch on the last point noticed by the hon. Gentleman—namely, that relative to the embanking a portion of the Thames to the South of the House. He was not going into the controversy on this question, but wished to offer a personal explanation. He read this morning that there was one thing he could not deny—namely, that the Treasury had altered an Estimate of another Department, not only in its amount, but in its destination — by which, no doubt, was meant the purpose for which it was intended—without consulting the other Department. This statement was an entire mistake. He held in his hand a letter from the Board of Works, enclosing an Estimate which was divided into three parts—A, B, and

C. A was for £1,000 to be employed in completing the purchase of land; B was for £7,500 for embanking; and C for erecting public buildings, no amount being stated for that object. Then there was a memorandum entering into details, setting forth that the £7,500 was part of £35,000 which would be ultimately required for the purpose of the Embankment, and as to C, the memorandum added—"The nature and extent of the public buildings not having been determined upon, no Estimate has yet been presented." The Treasury drew its pen through the part of the Estimate relating to the public buildings, with reference to which no amount was mentioned. That was all that was done, and no difference whatever was made in the amount or the purpose of the Estimate. In taking the course they had adopted the Treasury were not interfering in the business of another Department. They did no more than, as the Department responsible for submitting the Estimate to the House, they had a perfect right to do. The hon. Gentleman had spoken in terms not at all higher than they deserved of the gentlemen who joined the permanent department of the Treasury, and expressed an opinion that they were overworked and overtaxed. He (the Chancellor of the Exchequer) could not, certainly, say that they were underworked; but, while he should be most ready to recommend to Parliament an increase in their emoluments, should the occasion arise, he could not say that at present there was any case for such an increase. If new duties were imposed upon them a considerable increase should be given; but so long as matters remained as they now were, there was, as he had said, no case for such a proceeding. He was bound to say, too, that an honourable feeling prevailed among the gentlemen in question, that, as it was their duty to interfere with the expenditure of other Departments, they were bound to set an example of economy in their own. The hon. Gentleman spoke of the delay that existed in the furnishing of the Treasury Minute; but it was a matter in which, from its nature, greater promptitude could hardly be expected. There was not merely the ordinary writing of the Report, but it was a subject which involved much technical detail. The duty was a delicate and difficult one. The

Treasury was a party implicated more or less, and therefore it required the utmost care to avoid appearing, in exculpating themselves, to inculpate any other Department. One cause of the delay was repeated requisitions from the Post Office—particularly from Mr. Scudamore—for more time to offer explanations. It would have been matter of grave animadversion if the Treasury had declined to give him ample time for that purpose. The transactions were exceedingly complicated, Mr. Scudamore had enormous difficulty in getting the facts together, and it would have been intolerable if the Treasury had not given him the full time he required for his defence. He could not therefore think —when it was remembered that the ordinary business of the Department had to be attended to as well—that the delay was greater than was justified by the circumstances of the case. Then with respect to the question of the regulations that were set aside by the Post Office, the hon. Gentleman assumed that the Treasury were aware of that fact; but they were not, and, indeed, did not know it until the investigation was made. They acted, he thought, discreetly, in not making any change until the entire matter was brought to a close. The Treasury were acting partly judicially, but they were also called upon to stand in the dock with the other persons accused. The Post Office was in fault; but if the Treasury had said so, they would have left themselves open to the observation that they were throwing dirt upon another Department in order to screen themselves. The thing had gone on so long that it was thought better to wait until the final decision of the matter had been arrived at, and then to adopt remedial measures. It was true that the Report was accompanied by recommendations; but it was thought better to keep back those recommendations until the tribunal which was ultimately to judge of the entire matter—the Committee of Public Accounts—had made its investigation. The Treasury were of opinion that when the Committee had come to a conclusion as to the relative amount of blame to be ascribed to the different parties it would be time enough to come forward with their recommendations. Had they done otherwise they would, probably, have left themselves open to the suggestion that they were

endeavouring to shift blame from their own shoulders. It was quite true, as the hon. Gentleman said, that it was most desirable that order and regularity in the conduct of the business of the Treasury should be observed. No one was more sensible of that than he was. No one would more regret to see order or regularity put aside. The Treasury was a Department which could not always be managed in the same way. Sometimes business went solely through the hands of the Secretary to the Treasury. Sometimes a great portion of it went through the hands of the Chancellor of the Exchequer. Sometimes it was equally divided between them. No rule could be laid down which would apply to all cases. He quite admitted it was desirable that at the Treasury all matters should go regularly through that Department, passing from the hands of the clerks up to the hands of the Financial Secretary, and from him, if it were of sufficient importance, to the Chancellor of the Exchequer. He could only give this assurance to the hon. Gentleman and the House—that both as regarded the internal administration of the Treasury and its relation to the other Departments of the State, the utmost care should be taken to maintain the relative position and rights of individual functionaries and public Departments. With respect to the Zanzibar Contract, the hon. Gentleman commented on the fact that a large portion of that business had been transacted by the Chancellor of the Exchequer. The House would form their own opinion; but he did not think the course he had taken was wrong. It was unfortunate that the Report of a Committee was necessarily laid upon the Table a long time before the evidence taken before them. People were apt to make up their minds upon the Report and the subject had lost its interest before the evidence was before them. That was unfortunate for the defeated side. As a question of character and motives was involved in the case he hoped that hon. Members would do him the honour of reading the evidence he had given before the Committee before they formed a final judgment on the matter. The Government had been a party to the appointment of that Committee—the Committee had decided against the Government, and they had undertaken and

would, with the utmost good faith, give effect to its recommendations. If they did not come to the conclusion that he was right, they would at least see that what had been done was done honestly with a view to the good of the public service and without the least wish to conceal anything from the House. He would explain how he thought that he was justified in keeping the matter in his own hands. From November, 1871, until August 1872, they did not seriously entertain the question of a contract. They were engaged in inquiries and in obtaining information in a variety of ways. No doubt mistakes were made, and there ought to have been a regular letter written from the Treasury to the Colonial Office, on which to found their letter to the Cape. But at that time he had the misfortune to lose the services of the gentleman who had for several years been his private Secretary, who was succeeded by a gentleman who, though well qualified for his duties, had not the same amount of knowledge and experience, and some matters were omitted which ought not to have been omitted. Up to the 13th of August, 1872, they were not in a position to take any decision; but at that time the Government did come to a decision to go on with the contract, and from that moment everything had gone on with the most perfect regularity. It was only during the preliminary investigation that any mistake or omission had occurred. He certainly did not want to establish any new principle of action in the Treasury, or alter any general working of the Department. He repeated from the moment they did make up their minds to act they acted with the most perfect regularity. On the 13th of August, when this piece of business was taken up, they wrote to all the Departments concerned with the business, and regular action was taken till the whole matter was carried through in December, when the contract was signed. The hon. Gentleman referred to the case of the Secretary of the Treasury. As soon as the matter had assumed the form of action by the direction of the Cabinet the Secretary to the Treasury was a person to take part in it; but he happened to be out of town, and for some reason he had not discovered, the papers did not reach him. That certainly was owing to no direction on his

part—nothing could be further from his intention than to give such a direction. It was said, Why did he not consult the Secretary to the Treasury? As regarded the Western contract—the proposal of the 29th of January—the Secretary to the Treasury had made a Minute on the Papers to the effect that he disapproved these proceedings altogether. After he had given so decided an opinion on the matter, he did not see any propriety in worrying him. So long as the matter was under deliberation in the Cabinet, he was not therefore consulted. He was not aware that there was anything further to notice with regard to the Zanzibar Contract. Then, with regard to the Report of the Committee on the question of the Civil Service expenses, the hon. Gentleman alluded to the dispute between the Treasury and the Board of Trade, and he seemed to be of opinion that there was some miscarriage in the matter on the part of the Treasury. The evidence before that Committee was not before the House; but those who would do him the favour to read his evidence would see what his opinion was. The Treasury was charged with the duty of bringing into effect the system of competition for clerkships. In order to do that it was necessary to regulate the system on which the office was to be organized. There was a long controversy with the Board of Trade, which insisted that the clerks ought to be paid according to the higher class, while the Treasury thought they should be on the second class. The Board of Trade also made demands for an increase of salaries to higher officers which the Treasury did not feel themselves at liberty to grant. The Board of Trade was an independent Department, and he had no power to coerce them. The Treasury were therefore driven to this dilemma—either the Board of Trade must be left without the proper complement of officers, or else a concession must be made which did not appear to be economical. Having exhausted all the means at their disposal, they had therefore thought it right to concede the wishes of the Board of Trade, instead of bringing the office to a dead lock. The Committee had reported that they were not satisfied with the grounds of action taken by the Treasury, and he was not prepared to say that the Committee were wrong. It

was a very difficult matter to decide. He only hoped their Report would strengthen the hands of the Treasury, and that in any future organization they should not concede to the head of the Department more than was consistent with their own opinion of what was right. With regard to the case of the Bankruptcy pensions commented on by the Committee, the answer he had to give was very simple. The Treasury were not to blame. They deferred entirely to the views of the Lord Chancellor. He had the power of fixing the pensions by the Act, and the Treasury were required to assent to them. The matter came before the Government in a collective capacity. The Lord Chancellor stated that he was very much hampered by a promise which he had made in the House, and the Government came to their decision with regret, but felt that they had no alternative, having no power to coerce the Lord Chancellor. Though he (the Chancellor of the Exchequer) was no doubt responsible for what was done in that matter, he was responsible only in the same way as the other Members of the Government. He had now, as fairly and frankly as he could, answered the questions put to him by the hon. Gentleman. It was far from his intention to interfere beyond the strict letter of duty with any other Department, or to alter or diminish the position of any person within his own Department. All the Government Departments presided over by a Cabinet Minister were equal. As far as regarded salaries, the Treasury had power to object to their increase; they could not *proprio vigore* without the consent of the Government force Departments to reduce offices or salaries. The effect of that was this—they could not expect from the Treasury more than they could do. The danger was they might demand more from the Department than they were able to accomplish. All the Members of the Government being equal, if they attempted by an arbitrary regulation to raise one as a sort of ruler or judge over the other, re-action would probably leave the Department shorn of its legitimate powers. With these observations he had only to say that he should be exceedingly happy to find that they were received by the House in the same spirit in which they were submitted to them.

Mr. HUNT said, he thought his hon. Friend (Mr. Slater-Booth) had done quite right in bringing the matter forward at this stage. Until two Sessions ago private Members had opportunities of raising discussions on the Motion for going into Committee of Supply; but the rule as to Mondays now left them little opportunity unless the Government chose to give them a day. This ought not to be the case when the conduct of the Government was in question, and it would have been well had questions which had recently excited attention been brought forward under the old plan. He himself wished to speak on the Post Office question; but the limited time available for the discussion disabled him from doing so, except by postponing the Division till the evening sitting, which would have been inconvenient to many Members. He rejoiced at the spirit in which the Chancellor of the Exchequer had met his hon. Friend, and especially at his assurance that the administration of the Treasury would be conducted on the old lines. He believed that the whole of the mistakes, misapprehensions, and bad feeling which had occurred, had arisen from the departure from the old practices. Almost all matters of importance came before the Treasury, and the wisdom of former generations had divided Treasury business between different Departments, each having an experienced permanent officer. Communications were distributed after registration among the Departments, and then brought before the Permanent Secretary and the Financial Secretary, being passed on, if necessary, to the Chancellor of the Exchequer, and occasionally to the First Lord of the Treasury. He regretted that the highly competent Secretary to the Treasury had not shown himself more conversant with the financial business of the Government, and was surprised that in discussion on the Budget the Chancellor of the Exchequer had not invited him to take part. The Chancellor of the Exchequer, as he (Mr. Hunt) remarked two years ago, seemed to be Chancellor of the Exchequer and Secretary to the Treasury rolled into one. He feared that the Chancellor of the Exchequer's zeal and passion for work had led him to take things out of the hands of the permanent officers of the Treasury. The late Sir George Lewis, when asked whether he found time

to work his Department, said, his duty was not to work his Department, but to see that his Department was worked. There was much sense in this, for heads of Departments should not do all the work, but should control their Departments, deciding all the more important matters themselves, but not taking everything out of the hands of the permanent officers. The right hon. Gentleman's great ability and quickness of apprehension and temperament had, perhaps, made him impatient of the delays involved in matters going through the Treasury mill. The Zanzibar Contract was evidently arranged in the right hon. Gentleman's room in Downing Street; for had it gone through the proper Department the offer of Mr. Monteith's company would have been duly registered and would not have been lost sight of. In the Post Office case, also, letters of the greatest consequence were mislaid. Delay might be caused by the regular routine of matters going through the Department; but the shortest cut was not always the best road, and he welcomed the Chancellor of the Exchequer's assurance that in future he would give all the functionaries of the Treasury their proper duties, and would make no short cuts to decisions on important matters. As to the Board of Trade, when at the Treasury he and his right hon. Friend (Mr. Cave), then Vice President, were appointed a committee to inquire into the question of the staff and salaries, and they made a representation which was accepted by the heads of the Treasury and carried out. Had the same course been taken in the matter mentioned by the right hon. Gentleman there would have been harmonious action between the two Departments, and strife would have been avoided. [The CHANCELLOR of the EXCHEQUER said, substantially the same course had been taken.] Then he could not understand how the question had been pending for three years. He also made a Report on the Poor Law Board, after personally obtaining sufficient information, and the President of that Board having also the opportunity of making a representation a decision was then arrived at. He regretted that the Chancellor of the Exchequer did not take a sufficiently high view of the power of the Treasury as to other Departments. The Office of Works and the Post Office were ex-

pressly subordinate to the Treasury, and as to other Departments, the Treasury, through the First Lord and the Chancellor of the Exchequer, could urge on the Cabinet an opinion that the staff was too numerous or the expense too large, in which case the Government would order an inquiry through the agency of the Treasury. He could not conceive any inability on the part of the Treasury to carry out their views, if they were sound and recommended themselves to the Government of the day. The observations and assurances of the right hon. Gentleman must give the House great satisfaction, and it was to be hoped that we should not in any future Sessions have Report after Report of Committees commenting on the action of the Treasury in these matters.

MR. GLADSTONE said, that nothing could be more fair than the manner in which this subject had been introduced by the hon. Gentleman (Mr. Slater-Booth), or than the remarks which had been made by the right hon. Gentleman who had just spoken. He quite understood the observations with which the right hon. Gentleman commenced with respect to the new Rules of Supply; but he did not understand the connection which the right hon. Gentleman supposed to exist between those Rules and the somewhat rapid course of the debate of yesterday. He suspected that the evil lay deep in the overwork of the House of Commons, and not either in the Rules of the House or the disposition of the Government to make suitable arrangements for the Prorogation. The House felt, and must necessarily feel, fatigued at the termination of such a Session; but certainly the remarks of the right hon. Gentleman would have been most just if the Government had not given facilities for debate on serious matters connected with their own policy where the subject was supposed to awaken a certain degree of public interest. In his opinion the regulations of Supply, although they were not free from inconvenience, were yet almost the only means by which the legislative business of the House could be prosecuted under the circumstances in which they now stood with anything like effect. He was very desirous of questioning in a certain degree what had been said by the right hon. Gentleman as to the power of the Treasury over other Departments. The

matter, in his opinion, was stated with perfect precision by his right hon. Friend the Chancellor of the Exchequer. In the first place, it was not accurate to say that the Office of Works and the Post Office were two Departments entirely subordinate to the Treasury. They were undoubtedly subordinate to the Treasury in their expenditure, and expenditure formed so large a portion of the business of those offices that they were brought into a position in which control could in most matters be largely exercised over them by the Treasury. But it would not be correct to state that in other respects the Treasury had a general power of interference with those particular Departments. With regard to the Revenue Departments, strictly so-called—namely, the Inland Revenue and the Customs—over these the Treasury was superior, and they must follow its directions. Of course, it was perfectly true that the Chancellor of the Exchequer could, in a case of necessity, call in the assistance of the First Lord of the Treasury. He recollects very well a case when first he was Chancellor of the Exchequer, in which a very serious difference arose between the Foreign Secretary of the day and himself as to the establishment of the Foreign Office, and the Foreign Secretary having, as he had himself, great confidence in the First Lord of the Treasury, Lord Aberdeen, they agreed to refer the matter to him, and Lord Aberdeen decided it in his (Mr. Gladstone's) favour. He remembered, too, feeling exceedingly grateful to the Foreign Secretary for acceding to the request that the matter should be referred to the First Lord of the Treasury. It was undoubtedly true that the Chancellor of the Exchequer could carry—as other Ministers could—any difference between himself and his Colleagues to the Cabinet for decision. He himself as Chancellor of the Exchequer had very frequently been defeated in the Cabinet, and he had seen other Chancellors of the Exchequer defeated too with regard to questions of expenditure. He heartily wished the right hon. Gentleman opposite good fortune in such cases, and that he might be able in every instance when on the part of the Treasury he raised the question of expenditure and carried it to the Cabinet to have his own way. He had no doubt it would be much better for the public that it should be

so; but, nevertheless, the Treasury had to fight its battles in the Cabinet, and like other Departments take its chance, and though occasionally it might achieve victory it must sometimes resign itself to defeat. He wished to confirm in the strongest manner what had been said by the Chancellor of the Exchequer on the Bankruptcy Compensations. Much censure had for some time past been bestowed on him on account of those compensations, and it was only lately he had been able to refresh his memory as to the cause of the actual transactions, so as to be able to say that of special responsibility in that matter his right hon. Friend had none. He admitted that he did not think those compensations reasonable; and if asked why, then, was he a party to them, he could only justify himself by a reference to what occurred in the matter. They knew very well that on former occasions the compensation awarded to the profession in measures relating to what was called "Law Reform" had been perhaps almost scandalous, but certainly excessive and highly burdensome to the public. They also knew—and everyone who heard him knew—that the weight of the legal profession in the House upon questions of that kind was ordinarily irresistible. He did not mean to say that was the case when the public matters involved were of such interest and of so high an elevation that the entire House attended, and its deliberate judgment could be obtained. Then there was something like fair play for the public. But one of the difficulties inseparable from the constitution of the House was this—that the House consisted, as to its personal composition, not so much of one House as of a succession of Houses. For instance, when they were discussing questions of philanthropy affecting some distant island in the Pacific the benches were filled with philanthropists. On questions relating to Ireland, when that country was supposed to be injuriously affected, the benches were filled by Irish Members. And so it was all round. Well, when the House was discussing an Act like the Bankruptcy Act it was vain for the Government to try to assert itself against the authority of the legal profession in matters connected with the structure of the Courts. Under these circumstances, his right hon. Friend and himself—for

he was quite as much concerned in it—were thankful to get what they could into the Act in the way of control for the purpose of mitigating the burden of those compensations. But they were not able to place the compensations in Bankruptcy under the Treasury in the same way as other compensations, and that the best arrangement they could come to was that they should be placed in the hands of the Lord Chancellor under the Treasury. Every Lord Chancellor was a faithful and loyal Member of the Government to which he belonged; but the associations of his profession were strong upon him. He was head of the Law first, and a Cabinet Minister afterwards. But whether that was so or not, when any question arose, the Lord Chancellor always alleged—and alleged truly—that the Government could never have got those provisions at all with regard to compensations if the Gentlemen of the legal profession had not agreed to the provisions of the Act, because of the power given to the Lord Chancellor by the terms of the Act. Therefore, though the Government could not justify the amount of the compensations, they had no other course than to accept them. He entirely agreed with his right hon. Friend near him as to the conduct of business; and he admitted that both the hon. Gentleman and the right hon. Gentleman opposite were quite justified in the very temperate remarks they had made on the subject.

MR. LIDDELL said, he wished to render his tribute of thanks to his hon. Friend near him (Mr. Slater-Booth), and also to the Prime Minister, for the admirable tone and temper which had marked the conduct of the discussion. His only desire was to make a few remarks upon the general topics which had been discussed. He had no intention to say more in reference to the irregularities in the Post Office, than that he regretted the House had not expressed itself much more strongly with regard to the question than it had seen fit to do. The House was mainly concerned in taking precautions in order to prevent the recurrence of similar irregularities. A great portion of the mischief had arisen from what the Postmaster General had described as the vortex of his own balances; but which, to use a more homely phrase, might be described as hodge-podge. He did not

mean to say that a rigid adherence to the Treasury Minute of June 28th last, which provided for the more rapid handing over the balances to the National Debt Commissioners, would not succeed to a large extent in effecting the necessary reform, but he had a still more important recommendation to make. For instance, with regard to the Post Office, which was a large Revenue Department, at the present time the balances were paid into the Bank of England in such a way that it was utterly impossible to fix the Department to which they belonged, and he was convinced that no system of check could be perfect until means had been taken to ascertain the heads of service to which the balances belonged. While it was important that new regulations should be framed, it was of equal importance that they should be framed in the best possible manner; and this end would not be attained as long as the framing was left to each of the Departments affected. There was abundance of evidence now at the disposal of the Treasury to enable them to form, *proprio motu*, their own regulations, and he thought they should not be left to a departmental Committee, but that the head of the Department should be responsible for them. There was another point on which he wished to make a few remarks, in his individual character as a Member of the Committee which had inquired into the matter. No other Member of the Committee had alluded to the question, and therefore what he was about to say must be taken *quantum velut*, as the expression of his own view. He alluded to the separation of the office of Receiver in the Post Office from that of Accountant General. In any case, the receiving and accounting department of a Government office ought, in his opinion, to be separated; but in the peculiar case of the Post Office, seen by the light of the Treasury Minute of last year, he thought this was of even greater importance. The constitution of the Parliamentary officer at the head of the Department—the accounting officer of the Department—was an official fiction and a sham which ought at once to be put an end to. With regard to the office of Auditor General, too, he thought an alteration might be made with advantage. The Auditor General was not a Treasury officer, but an official responsible solely to Parliament; and there-

*Mr. Gladstone*

fore he ought to be allowed to select his own subordinate officers, instead of being dependent upon the Treasury for them. An enormous amount and variety of extra work had of late years been thrown upon this Department, and no one could possibly be more competent than the Auditor General to select the persons best qualified, by special aptitude, to discharge the duties devolving upon the office. He wished to urge, in concluding, the importance of adopting the suggestion of the hon. Member (Mr. Sclater-Booth), that in future all loans contracted for departmental purposes should pass through the Exchequer, in accordance with the Controller and Auditor General's able memorandum upon the subject, appended to the Report of the Committee, and that they should be surrounded with all those constitutional safe-guards of which previous loans had been divested by a laxity of practice on the part of the House which it was not too late even now to amend.

MR. WHITE said, he thought some expression of gratitude was due to the hon. Member for South Hants (Mr. Sclater-Booth) for having brought forward this question, and thus afforded an opportunity to the House for pronouncing an opinion upon what he must call a grave public scandal. He never recollect— and he doubted if even the oldest Member of that House recollect—such an event as four Select Committees, simultaneously sitting, having reported condemning the management of the Treasury by its ostensibly effective head, the Chancellor of the Exchequer. He had no desire to be unduly critical respecting the manner in which the subject had been treated by the hon. Member for South Hants—an ex-Secretary of the Treasury—although he could not help feeling that between those who were in office and those who had been in office there always existed that feeling which was said to make men wondrous kind. What was of more importance was that the independent Members should declare their opinion, and he hoped that they would now do so unreservedly. True, the Chancellor of the Exchequer had just read from the Table a profession of repentance for what was passed, and had promised good behaviour for the future, and had he done no more than made his recantation he (Mr. White) would have been satisfied.

But when he proceeded to justify the course he had adopted with respect to the Cape and Zanzibar Mail Contracts, that was more than the most kindly intentioned man could put up with. He (Mr. White) had read the evidence given by the Chancellor of the Exchequer before that Committee, and his opinion was that, judged by that evidence, the Report of the Committee was altogether too mild in its character and was not sufficiently strong in its condemnation. The right hon. Gentleman still contended that he was right and the Select Committee, the House of Commons—indeed, everybody else—were wrong, because he had such absolute confidence in his own superior wisdom, and such a cynical contempt for the crass ignorance of any person who did not see things exactly in his own light. He (Mr. White) believed that if the matter had been put to the test it would have been found that not only a majority of the House, but a large majority of his own Colleagues condemned the course taken by the right hon. Gentleman. The right hon. Gentleman had been a Member of the House even longer than he (Mr. White) had been, and he could not forget that there had been animated discussions, and many divisions in it, with reference to mail contracts, and he also knew that in times past Postal subsidies and contracts were used as the means of Parliamentary corruption, and that, in consequence thereof, the House very wisely determined that no contract for a mail service and no subsidy should be given without first being submitted to the House. That policy was recommended and further strengthened by the existing Liberal Government, and wholly accorded with the avowed principles of the present Prime Minister. By the old Standing Order, all mail contracts were submitted to the House, and if not approved of within one month became binding. The present Government, soon after its accession to office, on the Motion of the late Postmaster General (the Marquess of Hartington) passed without opposition the new Standing Order which enforced the absolute approval of the House before any such contract could take legal effect. The right hon. Gentleman (the Chancellor of the Exchequer) then, as now, held his important office in the Government which passed that Standing Order. And yet he still

obstinately persisted in condemning such a wholesome proviso. The Chancellor of the Exchequer could not but know what a fertile source of Parliamentary corruption several subsidized mail contracts had often proved. It was notorious that by such corrupt influences the representation of some of our out-ports had been perniciously affected. Indeed, it was alleged, and he (Mr. White) believed truly, that at the last General Election the opportune grant—by the then Conservative Government—of the Cunard and Inman Mail Contracts secured a seat at Liverpool for one of its friends. He (Mr. White) could not refrain from expressing his deep regret that the Chancellor of the Exchequer had not that evening admitted that he had acted wrongly with regard to the Cape and Zanzibar Mail Contract; and if a Vote of Censure were moved on the right hon. Gentleman with reference to that transaction, he certainly would vote for it. At the same time, he believed that the right hon. Gentleman was thoroughly honest in conducting that arrangement. As long as the right hon. Gentleman acted the part of an obstinate impenitent heretic with reference to sound orthodox Parliamentary principles, one could not be surprised that, notwithstanding his distinguished talents and ability, he was so deservedly unpopular. Mr. Burke, when addressing the Speaker of the House of Commons on one occasion, said—

"The House, like other collections of men, had a marked love of virtue and an abhorrence of vice, but that among vices there is none which the House of Commons abhors in the same degree as obstinacy." "Obstinacy," continued Burke, "is certainly a great vice and, in the changeable state of political affairs, is frequently the cause of great mischief."

He (Mr. White) would strongly commend those remarks of that illustrious statesman—Burke—to the serious consideration of the Chancellor of the Exchequer. Special reference had been made to the Select Committee, on which he (Mr. White) had the honour to serve, with regard to the Expenditure of the Civil Service which had just reported. He would have been better pleased if his hon. Colleague on that Committee (Mr. Sclater-Booth), instead of bringing forward this Motion, had voted for the Amendment which he (Mr. White) moved to the Report of

that Committee, because that would have brought the question of the present mal-administration of the Treasury Department formally before the House. That Amendment was to the effect that the Committee regretted that, owing to the limited powers exercised by the Treasury, its ostensibly effective head, the Chancellor of the Exchequer, should confess his inability to adequately control the Expenditure of the different branches of the public service, the details of which were annually submitted for his revision when the Estimates for the respective Departments were framed. For when examined before the Civil Services Expenditure Committee, the Chancellor of the Exchequer told them that it was a "delusion" to believe that the Treasury did now exercise a direct and effectual control over the expenditure of the country. He, moreover, added that as to Law Reform "no improvement could be effected without paying smart money for it." And that no re-organization of any Civil Department could be attempted without the heads of those departments "sticking in" a great many demands to which the Treasury had to accede rather than let the public service stand still. The right hon. Gentleman cited the preliminary demand of Mr. Farrer (the permanent Secretary) of the Board of Trade, for an increase of £500 per annum, and also adduced the fact that both the Home and Foreign Departments had persistently refused compliance with the Orders in Council and Treasury Regulations for introducing open competition into the public service. Had his (Mr. White's) Amendment been agreed to, the Committee would have recommended that Parliament should devise an early and efficacious remedy for this glaring defect in the Executive Department of the State. That Amendment was negatived, although it had the support of hon. Gentlemen who did not agree with him in politics. He also moved another Amendment which was lost by the casting vote of the Chairman (Mr. Childers) to the effect that, having regard to the unanticipated magnitude of payments on the abolition of offices, and notably to the excessive compensations granted under the Bankruptcy Act of 1869, full salaries for life—namely, from £1,800 to £2,000 a-year having been awarded to everyone—young or

*Mr. White*

old—of the ten Commissioners whose offices were then abolished, the Committee recommended that no Bill involving any public charge should be introduced into Parliament unless accompanied with an estimate or statement, signed by the Chancellor of the Exchequer or the Secretary to the Treasury, of the probable expense thereby entailed upon the country, and with the proviso that no disbursement in excess of such estimate or statement should be legal without the previous approval of Parliament. It was the duty of that House to strengthen and uphold the continuous supervision of the Comptroller of the Exchequer and of the Audit Department; besides it was owing to their sagacity and scrutiny that the misappropriations by the Post Office were originally brought to light.

MR. PERCY WYNDHAM said, he was unable to say whether unanimity existed among the heads of the various Departments; but it was, at all events, agreeable to witness the amiable feeling that existed between those who sat on the two front benches. It was doubtful whether much good would result to the country from this most unsatisfactory debate on a serious and great question. The Chancellor of the Exchequer had been a little hard on Committees and their Reports, seeing that it was only through the painful interest which had been taken by the House in some of the transactions in his Department that formal Votes of Censure had been voted on two or three occasions this Session in the mild and indulgent form of referring the subjects brought under the notice of the House to Select Committees, whose labours should therefore have been alluded to by the right hon. Gentleman with gratitude if not with admiration. There was not much use in his going through all the points which had been raised in the course of this discussion; but he had risen with the object of obtaining from the Government an expression of opinion upon the question whether the conduct of the business in these great Departments should not be more in accordance with the ancient usage which prevailed before the present Government came into power, especially with respect to the manner in which communications were made between the different Departments. It was of the first importance that such

communications should be made through the proper channels, and not by means of private secretaries behind the backs of the chiefs of Departments mostly interested. The other night when the Post Office scandal was under discussion, the Postmaster General, in the course of his defence, informed the House that the Correspondence on the subject, which was of such great importance, and which had led to such disastrous results, was carried on for months, not between the head of the Treasury and himself, but behind his back, and that it was altogether unknown to him that the letters were passing. To-night the Chancellor of the Exchequer had informed the House that, with regard to the very important subject of the Thames Embankment, the alteration made by the Treasury in the Estimate was a very nominal one. If that were so, how did he account for the manner in which it had been resented by the First Commissioner of Works? He should like to know if the alteration was made in a proper manner; and also he should like to receive some assurance from the Government that in future communications between Departments would be made in a proper manner. After reading this debate, the public would be of opinion that the time had arrived when not only the present Session, but the present Parliament should come to an end.

MR. M'LAREN said, that as a Member of the Select Committee upon Exchequer Expenditure, he wished to say a few words upon a point which had not been brought very clearly before the House. He had carefully attended to the evidence given before the Committee, and believed he fully understood the questions which had been raised; and he had listened to the explanation given by the Prime Minister respecting the allowance of full salaries for life to the Judges of the Court of Bankruptcy; and he thought that the right hon. Gentleman's explanation was not at all satisfactory. The charge which was made implied a censure upon the Government. The 131st clause of the Bankruptcy Bill provided that there should be two co-ordinate powers to deal with the question of the retiring allowances of the Judges; one being the Lord Chancellor and the other the Treasury. The Act provided that the Lord Chancellor, under special circumstances, might recommend the full

pay to be given to the Judges, but that he should do it with the consent of the Treasury. The Prime Minister, however, seemed to consider this to be a judicial discretion of the Lord Chancellor, controlled the Treasury, and deprived it of any independent judgment. He apprehended that that was quite a misconception of the intention of the Act of Parliament. The Treasury had a right to negative the proposition of the Lord Chancellor if they thought his proposition an unfit one. There was another point upon which he wished to say a word. The right hon. Gentleman the Chancellor of the Exchequer had defended the delay in the appointment of the Commission to inquire into the Post Office accounts, by alleging the necessity of giving time to prepare the balances. He believed that no such time could be possibly required by any honest system of making out accounts, either for the Post Office or any other business in the world. If the Post Office accounts had been kept clearly and without intentional mystification, it was impossible that three months could be required for making things plain. In the largest businesses in the world, whether mercantile or banking, the books were kept in such a state, that instead of three months being required to ascertain how the balances stood, three days would not be necessary for making out a complete and exhaustive statement. The defence was really no defence at all, and it was impossible to condemn the Post Office officials in language too strong.

GENERAL SIR GEORGE BALFOUR, referring to the alterations which had been introduced into the Estimate which had been submitted to the Treasury by the First Commissioner of Works with respect to the proposed embankment near the Victoria Tower, commented somewhat severely on the fact that those alterations had been made without consulting the right hon. Gentleman on the subject. He also dwelt on the want of united action between the Chancellor of the Exchequer and the Secretary to the Treasury in the case of the Zanzibar Contract, observing that the opinions of the latter had been passed over because the former choose to think that he was prejudiced in the matter, and contending that, if there were any good grounds for such an insinuation, the proper course would have been to get

rid of an officer who could not be trusted.

THE CHANCELLOR OF THE EXCHEQUER: What I said before the Committee was that my right hon. Friend had given a decided opinion on the matter, and that there was no use in troubling him.

GENERAL SIR GEORGE BALFOUR thought it was most undesirable that any officer in the Treasury, particularly one occupying the high position of the Parliamentary Secretary, should be considered incapable of carrying out the views of his superior, and he thought such a statement as that of the Chancellor of the Exchequer ought to be repudiated in the strongest terms. The right hon. Gentleman had no right to employ his private secretary in the business in the manner which he had done. The permanent secretaries, whether in Parliament or not, were those whose services should have been called into requisition. He did not mean, in making these observations, to impute the slightest shadow of wrong intention to the Chancellor of the Exchequer; but he must maintain, at the same time, that it was dangerous to any public office, to allow business to be transacted as he appeared to have done. Again, as to the case of the Postmaster General, he doubted very much whether the Secretary for War or the First Lord of the Admiralty would allow any such interference as had been shown to have existed in this Department. It was distinctly proved that the Chancellor of the Exchequer had been

in close and frequent communication with officers subordinate to the Postmaster General, and any practice better calculated to destroy responsibility, could not have been taken. Perhaps the worst part of the case was that the Chancellor of the Exchequer had given no assurance that he would abstain from pursuing such a course in future. He made those remarks because he loved good administration, and because he thought such a line of conduct as that adopted by the right hon. Gentleman ought to be condemned by the House. The accounting officer and the receiving officer of the money receipts and expenses of the Post Office and Telegraph Departments ought to be distinct, and he would only strongly advise that the old practice of the War Office of "even and quits," should be introduced, and the

balances ought to be delivered up at certain times. By that means the country would be freed from those scandals which resulted from the system on which the Chancellor of the Exchequer had acted. He (Sir George Balfour) added that he would now call attention to the sound suggestions of the hon. Member for Northumberland.

SIR EDWARD COLEBROOKE thought the expressions used by the last speaker more severe than was warranted by anything which the Chancellor of the Exchequer had done in reference to more than one of the matters to which he had adverted. He (Sir Edward Colebrooke) was old enough to remember much more serious charges being brought against Government than unwillingness on the part of the Heads of Departments to take responsibility upon themselves. This charge was one which ought not to have the serious attention of the House.

On Question, "That the Bill be read a second time,"

**EAST INDIA REVENUE ACCOUNTS—  
THE FINANCIAL STATEMENT.**

**QUESTION.**

MR. FAWCETT said, that before the Bill was read a second time, he wished to put a question to the Government with reference to the Indian Budget. In the early part of the evening he had found it impossible to extract a satisfactory answer from the Prime Minister as to the arrangement of Indian business. He understood that the present evening was, if possible, to be reserved for the discussion of the Indian Budget; but the Prime Minister stated that circumstances over which he had no control prevented him from giving up the whole of the evening for that purpose. Now, he admitted that the Public Business had been dislocated, owing to the unfortunate absence of the Prime Minister on Tuesday night. No one could, however, complain of his absence, for, as everyone knew, no Minister had ever worked more assiduously or zealously than he did. In consequence, however, of his absence, and owing to the circumstance that one of his Colleagues refused to say five courteous words, which would have been perfectly satisfactory to the House, the unusual course was adopted of moving the Adjournment of the House,

and the Report of Supply was not, in consequence, agreed to. Had the Prime Minister been in the House he would have said those few conciliatory words which he spoke the next morning, and the Business of the House would have been in a different position at the present moment. So far as that evening was concerned, he did not, therefore, blame the Prime Minister; but he could not understand whether to-morrow was or was not to be set apart for the discussion of the Indian Budget. That, it seemed, depended on whether a private Member was prepared to give it precedence or not. Unless, then, the Government gave him some assurance that time would be given for the due consideration of a subject which vitally affected our Indian Empire, he should deem it to be his duty to move a distinct Motion impugning their conduct as to the management of Indian affairs in that House before the Session should close.

MR. GOSCHEN said, that the hon. Gentleman (Mr. Mundella) would not bring on his Bill to-morrow, and the debate on the Indian Budget, if adjourned from to-night, would follow the Appropriation Bill and the Duke of Edinburgh's Annuity Bill to-morrow.

**ARMY—ARTILLERY—THE 35-TON GUN.  
OBSERVATIONS.**

LORD ELCHO said, that as it appeared that the discussion on the Bill of the hon. Member for Sheffield (Mr. Mundella)—which under the circumstances of the Session was only worthy of a debating society—was to be postponed to another day, if the debate on the Indian Budget were not concluded to-night, he would ask the indulgence of the House while he called attention to a Vote in the Schedule of the Appropriation Bill affecting the Naval and Military Services—especially if it should turn out that the money had not been well expended. He understood that in the trials that had taken place on board the *Devastation*, the 35-ton gun, had not given satisfaction. He had been informed by an eyewitness that the brass studs of the bolts were shorn off before leaving the muzzle of the gun—the proof being that on the deck of the vessel in front of the turret there were several deep jagged cuts which could not have been the result of unexploded pebble powder as some sup-

posed. The consequence of a stud being shorn off would be that the grooves of the gun would be injured and the gun become unserviceable. As a proof that something of this kind had happened to the guns of the *Devastation*, he was informed that a shot, which at the beginning of the trials, was easily rammed home by two men, required eight men after several rounds had been fired. If this was the case with respect to the grooving and studs, what was the effect on the flight of the projectiles? He was told that the missile, after going steadily through the air for 200 or 300 yards, was seen gradually to turn until its side was presented in the direction of the object at which it was aimed, and only after a considerable further flight recover itself and point straight to the object it was to strike. Now, if it should happen that the projectile should strike an enemy's iron-clad while in its sidelong flight, instead of penetrating, it would rebound, doing little injury. That, he believed, was not denied. [Mr. CARDWELL: It is denied altogether.] He had heard the same thing at Shoeburyness. It had certainly been admitted in the House that these guns were too short, and that in future they would be made longer. The general conviction was, that the system of rifling with studded shot—which was borrowed from the French—was not sound. His belief was that the smooth-bore Lancaster system had not had a fair trial, and he recommended that the question as between it and the Woolwich system should be settled at once by full tests, both as to range, accuracy of flight, and endurance. He believed the result would be greatly in favour of the Lancaster smooth-bore system. The cost would be small, and at any rate they would have an opportunity of judging which was the sounder system. He would suggest also, in order that the authorities might judge of the effect of firing on the 35-ton gun, that two "squeezes" should be taken—one from the gun as it was turned out perfect, and the other of the gun after it had been discharged—they would then be able to judge whether the present system was attended with the defects which were charged against it. The matter was of consequence. Enormous sums had been already spent, and much more was to be spent; for the War Office were now making a 35-ton gun which was to

throw a projectile of 700 lbs.—and he believed they were about to undertake a 70-ton gun which was to throw a projectile of 1,600 lbs. It was, therefore, of great importance to ascertain that we had got the best system of rifling.

SIR HENRY STORKS said, he did not know that the noble Lord was about to raise this question or he would have been prepared with diagrams and the reports of the officers who were present to show how completely the noble Lord had been misinformed as to the result of the firing on board the *Devastation*. The deck in front of the turret was not ploughed up by studs shorn from the shots, but was scored to some extent by the pebble powder—some grains of which would always be blown from heavy guns in an unconsumed state. With regard to the unsteadiness of the flight of the projectile, and the statement that it had been seen to turn broadside in its flight towards the object aimed at, he defied anyone to see anything of the kind while the projectile was in its flight, and he had the authority of Captain Hood, the Director of Naval Ordnance, for stating that he had observed no unsteadiness in the flight of the shot; and that in firing two guns simultaneously at an elevation of 14 degrees, both projectiles struck the water at the full range of 6,900 yards, close together, and at the same instant—a pretty good proof of the accuracy of the guns. Five rounds were also fired at 1,000 yards, with 110 lbs of powder and a 700 lbs projectile, and at this range the guns would hit a man. The noble Lord said that, after a few rounds had been fired eight men were necessary for working one of these guns; but Captain Hood said that four were sufficient; and both he and Captain Boys of the *Excellent* agreed that the trials on board the *Devastation* were highly satisfactory. If the noble Lord would communicate to him privately the names of his informants he would communicate with them, and any representations they might make would receive every attention.

MR. CRAWFORD said, that the noble Lord had remarked that the Bill of the hon. Member for Sheffield (Mr. Mundella) was better suited to a debating society than to that House; but he put it to the House whether the subject introduced by the noble Lord was not better suited to the United Service In-

stitution. He should not now further discuss the question of little bores or great bores, among whom he did not include his right hon. Friends below him. He hoped the Indian Financial Statement would not be further delayed.

MR. R. N. FOWLER strongly condemned the practice of deferring to the extreme end of the Session the discussion of the affairs of India, when there was barely time for the Under Secretary of State to make his statement to the House. He hoped the Government would take into consideration the Report of the East Indian Finance Committee, and that they should have a better opportunity of discussing the subject next Session.

Bill read a second time, and committed for *To-morrow*, at Two of the clock.

#### EAST INDIA REVENUE ACCOUNTS. COMMITTEE.

Order for Committee read.

MR. GRANT DUFF: I rise, Sir, for the fifth time, to make the Indian Financial Statement, and am happy to state that that Statement will show a more prosperous condition of affairs in India than it has ever been my lot to describe in this House.

I must, perforce, according to custom and the necessities of the case, divide my subject into three parts, and speak first of the year of Actuals—that is, the year which ended on the 31st of March, 1872; secondly, of the year of the Regular Estimate—that is, the year which ended on the 31st of March, 1873; and thirdly, of the year of the Budget Estimate—that is, the year which will end on the 31st of March, 1874; but I shall endeavour to give those who have hitherto censured me for being too long in my exposition, the contrasted, but doubtless equally keen, satisfaction of censuring me for being too short.

In the year of Actuals—the year ending 31st of March, 1872—we received as income, £50,110,215, and we paid, on account of our Ordinary Expenditure, £46,986,038. Thus our surplus was no less than £3,124,177, the largest ever known in Indian annals since the abolition of the East India Company's monopoly of the China trade in 1834. For this great surplus we have to thank chiefly two things, one within, and one

not within our own control—economy and opium.

I come now to the year ending 31st of March, 1873—that is, the year of the Regular Estimate, in which we expect to receive as income, £49,914,000, and to have to pay, on account of our Ordinary Expenditure, £48,422,000, which will leave a surplus of £1,492,000, thanks, again, partly to economy, partly, to a season favourable to the agriculturalist, partly to that mysterious but for the present, friendly opium. [An hon. MEMBER: And providence.] Under providence, no doubt. These expectations are founded, of course, on the approximate accounts for periods of the year ranging from nine to eleven months, on which the Regular Estimate which we submitted to Parliament in May is based; but our latest advices from India do not lead us to believe that they are too sanguine.

I come now to the year passing over our heads, the year of the Budget Estimate. Sir Richard Temple expected, on the 27th of March last, to receive this year £48,286,000, and to have to pay £48,066,000. That is, he expected an equilibrium, supported, as he puts it, by a small surplus of £220,000. A smaller surplus, it must be admitted, than the Secretary of State has, on various occasions, pointed out as desirable, and even that surplus must be reduced by the sum of £80,000, omitted in India from the Transport Charges, and the estimated surplus is then £140,000 only. The cause of the smallness of the surplus is the abolition of the Income Tax, which, re-imposed by Lord Mayo in 1869, has, after various vicissitudes familiar to those who watch Indian affairs, been surrendered, at least for the present, by Lord Northbrook. The Income Tax of 1 per cent was expected to bring in £561,000 net in the year of the Regular Estimate, and, taking the same sum as its produce in 1873-4, would have given us a surplus of £692,000 for the year now in progress; just the sort of surplus for which successive Secretaries of State have wished the Government of India to budget. Nevertheless, it has been given up, and the Secretary of State in Council has sanctioned the policy of the Viceroy. The hon. Member for Brighton (Mr. Fawcett), in replying to me last year, quoted a long chain of authorities against the Income Tax. Some hon.

Gentlemen will remember that I carefully guarded myself from saying one word in favour of the maintenance of the Income Tax, having, indeed, a shrewd suspicion that Lord Northbrook would not maintain it; but I disputed most strongly the statement contained in the hon. Member's Motion, that its unsuitability was admitted, and I said, that for every opinion he could cite against it, I could cite another just as good in favour of it. Let us see if that is so. Lord Mayo was sometimes in favour of, sometimes doubtful about, the Income Tax, so we will not count him as on either side; but against Lord Northbrook you may put Lord Lawrence; against Sir Charles Trevelyan you may put Sir Richard Temple; against the hon. Member for Orkney (Mr. Laing) you may put Sir Bartle Frere; against the right hon. Member for Tiverton (Mr. Massey) you may put Mr. Ellis; against Lord Hobart you may put Sir Philip Wodehouse; against Mr. Bayley you may put Lord Napier of Magdala or Sir John Strachey, and so I might go on almost *ad infinitum*. There is a habit of mind which is a most convenient one in considering financial, and, indeed, all other matters. The habit, I mean, of seeing facts exactly as one would like to see them. That habit is possessed to perfection by those who talk of the extraordinary *consensus* of opinion against the Income Tax. I can see no such *consensus*, and have rarely had to consider a question on which there was so much to be said on both sides. Not that I wish to doubt or dispute the wisdom of the course which has been pursued by Lord Northbrook. The line taken by a portion of the Anglo-Indian press, the dislike of many of our own officers to a tax which fell largely on themselves; the anger of the wealthy natives, who desired that the *miseris contribuens plures*, to use the famous old Hungarian phrase, should continue to be *contribuens* and *miseris*; lastly, the course taken in this House on more than one occasion by the hon. Member for Brighton, have thrown a heavy weight into the scale against the Income Tax. In a country like India, political considerations—and these the political considerations not of the distant future, but of the passing hour—must often overpower the lessons of merely financial wisdom. Destiny may have in store for us in India a far more brilliant

financial future than I dare venture to anticipate; but unless she has, indeed, great surprises for us, I should be extremely sorry to guarantee that the Income Tax will not be re-imposed by some Viceroy or other within the next 10 years. For the moment, however, it has vanished from the number of controverted Indian questions—I wish I could say, *abit ad plures*—and so I pass to the last item of information which it is necessary to set forth before the broad outlines of our actual pecuniary position are made apparent to hon. Members—the statement—namely, of the balances which India had at her bankers in England and in India on the 31st of March, 1873.

India had at her bankers in England £2,998,444, or about her normal balance. In India she had 18 crores and 91 lacs of rupees, a sum which, if the rupee were worth 2s., as it used to be, would represent £18,910,000; but as the rupee is only worth 1s. 10½d. or thereabouts at present, does not, of course, represent nearly so much money. Still, it is a larger cash balance than we want, thanks chiefly to our great surpluses, and to our small expenditure on Public Works Extraordinary in the last two years of Actuals; so we propose to bring it down to normal proportions by paying out of it all the remunerative works of the current year, to the amount of nearly £4,000,000. It results from what I have said that our pecuniary position for the moment is as follows:—We have a large surplus in the last year of Actuals; a good surplus in the year of the Regular Estimate; an equilibrium supported by a nominal surplus in the year now passing over us; and a large balance at our bankers. The fact of the matter is, that so far as money is concerned, the lines have fallen to us in pleasant places; and it is particularly amusing to observe, that the *quasi-panic* about the perilous state of Indian finance, of which the hon. Member for Brighton has made himself the mouthpiece, did not begin until after the measures were taken which have ended in sweeping away the deficit that had accumulated in the unlucky three years which ended with the spring of 1869, and originated that *quasi-panic*. In these three years the deficit on the actual accounts was no less than £6,299,216, while in the three years that followed them—namely, 1869-70,

1870-71, 1871-2, the surpluses on the actual accounts were no less than £4,725,836; so that the year ending 31st March, 1873, the year of the Regular Estimate, in which we expect a surplus of £1,492,038, will very nearly redress the balance, and sweep off the traces of the three years of deficit altogether. That is satisfactory, but there is better behind. If we take the whole series of Indian accounts from the time when Mr. Wilson first took the finances in hand—that is, from 1860 down to the end of the year of the Regular Estimate—we find a surplus of Income over Expenditure during the 13 years of £324,885.

I showed last year, in some detail, that we have, out of income, since 1st May, 1861, expended something like £30,000,000 in roads, canals, harbours, civil buildings, military buildings, State railways, and other works of a permanent character absolutely necessary to India, if she is to rank as a civilized country; so that India's position is that of a landed proprietor who, looking back on the management of his estates for 13 years, finds that he has enormously improved those estates out of his ordinary income, and has also laid by a few thousand pounds in hard cash, a position which cannot be described as an unendurable one. Of course, the enemies of the Indian Government will immediately say—Oh, you are quite forgetting that you have appropriated and used as ordinary income a number of sums which you call windfalls, but which a mercantile concern, if managed according to proper mercantile principles, would have treated as capital, and not have used as income at all. To that I reply—Well, suppose I admit for the sake of argument that what you say is true, as to all these items to which you object, it is indisputable that we have charged against income sums to a very much greater amount than the amount of these disputed items, all of which sums a mercantile concern would have charged against capital and not against income; so that when I only claim to have a surplus of £324,000 on the finances of India, since Mr. Wilson took them in hand, I confess I wonder at my own moderation.

Now, then, that we have a surplus, let us look around and see what there is to make us uneasy for the future, and

what there is to re-assure us in the present state of Indian finance. And, first, I will take the dark side of our affairs, and begin with the Guaranteed Railways. The return from these has of late shown hardly any tendency to increase. The passenger traffic improves somewhat, but the goods traffic is nearly stationary, and the worst feature of the case is, that no one seems quite clear about the reason. The most plausible explanation that has come before me is this—that Indian exports consisting chiefly of heavy goods, the railways are not used except when time is an object, and time is only an object when the demand for Indian merchandize is unusually great. It is obvious, however, that this explanation will only apply to railways which have to compete with water carriage. I shall be glad if, in the discussion of to-night, the hon. Member for London (Mr. Crawford), or any other hon. Member, can throw some light on this matter. The heavy charge for Guaranteed Railway interest, estimated at nearly £1,800,000 for the year passing over our heads, is, to my mind, the least satisfactory element in our financial affairs. But, after all, £1,800,000 is not an intolerable price to pay for the enormous advantages which both Natives and Europeans derive from the Indian railway system, even if the charge were certain to be permanent. Considering that till the other day the average return from the capital invested in English railways was only 4 per cent, a return of 3 per cent from Indian railways can hardly be called disastrous. It is easy to be wise after the event, and to wish that we had laid down all our Indian railways on a narrow gauge. But it is not fair to charge our predecessors with improvidence; because they made the arrangements which it was natural they should make in what may be called the infancy, or at least the youth, of railway enterprise.

Next comes Opium, with regard to the return from which, although, as I have already said, the sales have been in recent years very favourable to us, I cannot rid myself of a certain vague feeling of apprehension. No doubt the analogy of the claret and champagne vineyards may hold good, but that remains to be proved, though certainly up to the present time the most sanguine anticipations have been those most jus-

tified by events. On this subject, also, I trust any hon. Member who has special knowledge of the question from the Chinese side may say a word.

Then there are the growing charges of Furloughs and of the Pension List, more especially in relation to uncovenanted civilians—necessary, no doubt, but not the less financially disagreeable. I do not add the prospective demands for military allowances, about which so much has been said; because, as I explained last week, I believe many of the assertions which pass current on this subject are founded on misapprehension, and if peace continues, I feel convinced that considerable though cautious reductions in our military expenditure will be not the least characteristic feature in the rule of Lord Northbrook. Sure I am that nothing can be stronger than the desire of my noble Friend the Secretary of State and of his Council to strengthen the Viceroy's hands on this vital matter. Reckless statements, not to use a stronger term, have been made to the contrary in India, under the veil of the anonymous; but nothing would be easier than to prove by a long catena of Despatches, that military reduction was one of the very first things to which the present Secretary of State called the attention of the Government of India, and that he has gone on pressing it on its attention.

Then it is said that many of the irrigation works will not pay immediately. Of course they will not. No one ever dreamt that some of them could pay immediately, unless the people who owned irrigable lands were forced to take the water. Lord Mayo and his Council thought that they should be forced to take the water. The Secretary of State in Council objected to this, thinking it a too despotic measure, and being convinced that it would be better to wait till experience and education had taught the people the value of an insurance against scarcity or famine. But in a country where the Governors are some hundred years at least in advance of the governed in intelligence, must we make no public works till the people can see their advantages and pay for them? That may be right policy; but if it is, nearly everything we have been doing for the last 30 years, with reference to public works, has been wrong. The talk about developing the resources of

India has been moonshine. This House has been hopelessly mistaken, and the most obstructive members of the most obstructive days of the old Court of Directors were utterly right. There is every reason to believe that our irrigation works, taken as a whole, will sooner or later, directly or indirectly, pay a handsome percentage on the money they have cost; but, whether they will or not, they must be made, for the very people who now shake their heads over the unprofitable expenditure would be the first to shriek and rage if a new famine caught us napping. Our position in India is an anomaly, and must have many anomalous results.

I turn now to the brighter side of our affairs, and first I will take the elasticity of our Revenue. The hon. Member for Brighton does not agree with me in thinking that our Revenue is elastic; but what are the facts?

The Land Revenue has increased since 1868-9 by £594,166; the Salt Revenue has increased by £378,355; the Opium Revenue has increased by £800,494; the Excise Revenue has increased by £85,373; and all this increase has been natural, not the result of new taxes, except in so far as the total is swelled by an increase under salt, the duty on which was, during the Viceroyalty of Lord Mayo, increased at Madras and Bombay by 5 annas a maund, say 7½d. on 82 lbs. That increase accounts for about £200,000. There is no important decrease of Revenue to be set against this increase of about £1,800,000 per annum, or £1,600,000, if we put out of sight that part of the increase under salt to which I have just alluded.

So much for improved probabilities of receipt. Turning to the other side of the account, I am again so unfortunate as to take precisely the opposite view to that taken by the hon. Member for Brighton. That hon. Member informed the House last year that our expenditure is very elastic. I am happy to say that some of it is very elastic; because if we are not in India to civilize and raise India—things which cannot be done without spending a great deal of money—we had better leave it as soon as we can wind up our affairs. But is all our expenditure so very elastic in the sense of rising? If so, how comes it that we spent £52,036,721 in 1868-9, and only £46,986,038 in the last year

of Actuals. Partly, of course, because £700,000 of expenditure, which used to be paid out of the Imperial Exchequer, are now paid out of provincial Exchequers, which receive corresponding receipts. Still, when we have allowed for that fact, our expenditure in the last year of Actuals is less than the expenditure of 1868-9 by more than £4,250,000.

Here are the figures for the last four years. In the year ending 31st March, 1869, there was spent £52,036,721; in the year ending 31st March, 1870, we spent £50,782,412; in the year ending 31st March, 1871, we spent £49,980,696; and in the year ending 31st March, 1872, we spent £46,986,038. So that the expenditure of India was less in the year ending 31st March, 1872, than it was in the year ending 31st March, 1869, by £5,050,683. Deduct from this the £700,000 for Provincial Services, and the result is a net decrease of £4,350,683. Look even at our Military expenditure—the most troublesome part of our expenditure. In the financial year ending 31st March, 1869, £16,269,581 were spent, but in the last year of Actuals only £15,678,112 were spent—that is to say, the expenditure was less by £591,469, or say £600,000, and the estimated decrease in the year of the Regular and Budget Estimate is even greater.

Look now at our transactions with the Railways, as affected by the exchanges. I mentioned on the 3rd of August, 1869, that, whereas we had for many years been losing heavily in our transactions with the Guaranteed Railway Companies, by loss on exchange, our annually recurring drain on that account would ere long be replaced by an annual influx. And so it has turned out, for the very next year showed £40,000 to the good under this head. The next year showed £131,000, and the last year of Actuals £209,000, while the estimated gain in the year of the Regular Estimate is still higher.

Take, then, the interest on the Debt. In 1871-2 it amounted to nearly £6,000,000, that is to say, to £5,966,299. In 1873-4 it is estimated at £5,770,000; and in 1874-5 an additional £450,000 will come off; so that it will be something like £5,320,000 for that year, or less than it was in 1867-8 by a good deal over £400,000.

I have now put before the Committee our actual position at this moment, and

have selected, in rapid outline, what appear to me to be the least hopeful and what appear to me to be the most hopeful features in our Indian financial situation. I think that most persons will agree with me that the more hopeful features predominate. I know that I have been accused of being unduly sanguine, and of taking a *couleur de rose* view of Indian finance. Nothing would be easier, if it were worth while, than to show, by reference to *Hanard*, that there is not a shadow of truth in such an accusation; but that, on the contrary, I have, on more than one occasion, protested in so many words against taking a *couleur de rose* view of Indian finance, and have dwelt upon the dangers likely to arise from doing so. In truth, one who holds the office that I hold has no temptation to do otherwise. The fact that Indian subjects are to most people so ghastly dull has its advantages, in that the person who deals with them in this House on behalf of the Government is forced, by the very nature of things to pique himself upon being right, not upon being in accordance with those who imagine that they reflect public opinion in relation to Indian affairs. Imagine, I say, that they reflect it; for those do public opinion much wrong who confound it with the capricious ebb and flow of speculative exaggeration about India, with which we are familiar on platforms and in the Press. The truest gauge of public opinion about India is to be found, after all, in the state of the market for our securities, and that, I am happy to say, is all we could desire. We have the second best credit in the world—and that, considering what was the state of India before we went there, and at what rate the Company, in the old days, sometimes had to borrow, is surely something to be proud of.

And, now, I will beg hon. Members to look at the clock, and to bear me witness that I have not spoken three hours and a-half in making my Indian Financial Statement in 1873, as I was said, with equal correctness, to have done in 1872. For I have now finished the Indian Financial Statement properly so called, and what I shall add will refer to the Motion which the hon. Member for Brighton has put upon the Paper.

Hon. Gentlemen will observe that the course which the hon. Member has taken this year, and took last, puts me in a

dilemma; for either I must allow our discussion to be taken without laying before the House the actual facts of the Indian financial situation, or I must combine my Financial Statement with observations upon the hon. Member's Motion. Again, if I follow the hon. Member, the necessities of debate would oblige me to put what I have to say about the existing financial situation in a different form from that which I deliberately believe to be the most proper form for submitting it the House, while if I precede the hon. Member I can only give a general answer to his speech. So true it is that the forms of this House, strange as they often appear to be, are usually the result of much thought and experience, and that any departure from our Parliamentary *conveniences*, however convenient it may be to an individual, is hurtful to that transaction of Public Business which is the object of our coming together. Without further preface, then, I turn to the hon. Member's Motion, the words of which are as follows:—

"That, in the opinion of this House, the present constitution of the Government of India fails to secure an efficient or economical management of its finances, and that this House views with apprehension the state of local taxation in that Country, and is of opinion that its financial condition must be regarded as unsatisfactory so long as the Income Tax forms its only financial reserve."

First, then, as to the present constitution of the Government of India failing to secure an efficient or economical management of its finances. Now, that sweeping proposition must refer either to the Government of India in India, or to the Government of India at home, or to both of these bodies. I admit that with regard to the Government of India in India, the control of the Financial Member of Council over the other Departments is not so great as that of the Treasury in England; but the House must recollect that the Government of India, unlike the Government of England, is a personal Government, and that it pre-supposes that the power in the last resort to control all Departments must be in the hands of the Governor General. I do not say that that is an ideal Government for India or for any other country; but it is clearly the only possible Government for India at this moment. In the old days of the Company, finance was much the weakest

part of our Indian affairs; but it has been steadily getting into better and better order, and I defy anyone to point to any moment in our history when it has been so well organized as it is now. The whole tendency of things in India is towards increased watchfulness over the finances and increased economy. The figures which I have laid before the House prove it to demonstration, and greater care is being constantly given not only to the larger questions of finance, but to the form of the accounts. I do not say that they have arrived at perfection even now. I think it is more than probable that some good suggestions will be made by, and some improved practices date from, the Committee which is now sitting; but I do say, that the progress from better to better has been steady, and during the last 13 years has been without a check. I confess that, looking at the working of the Indian Government in its relation to finance, I do not see any improvement that can be introduced which is not in the way of being introduced. I am not talking of the distant future, and in a country which is changing so rapidly as India, 10 years hence is the distant future; but for the present, for the next few years, I see nothing that is not in the way of being done with regard to our finance which it would be at once wise and possible to do. If the Committee now sitting, when it has taken all its evidence, has any suggestions to make, of course whatever Government is in power will give them most careful and respectful attention; but no new suggestions of any value have to the best of my knowledge and belief been made by witnesses who have come before the Committee; for those hon. Members who sit upon that Committee are aware that the improved form of the accounts laid before Parliament is due to the Committee itself, and, above all, to my right hon. Friend the Chairman (Mr. Dodson), who has, if I may venture to express an opinion, so admirably presided over our deliberations.

Turning next to the allegation that the Government of India in England fails to secure an efficient or economical management of its finances—if that allegation is intended to be made, I entirely deny the truth of the proposition. I think the form of Government which was settled by Parliament in 1858 was

in most respects a wise Government. In the constitution of that Government there was one very serious mistake, and that was that members of Council were appointed for life. Against that unfortunate provision of the Act of 1858, I divided, as a private Member at the time, and it was my agreeable duty eleven years afterwards to pass a Bill through this House which put it and some other matters on a better footing. Making allowance, however, for this one serious error, I should say that the Council had worked extremely well, and that it had exercised a very efficient supervision over the finances of India, except in the very few cases in which Parliament has stepped in and overruled it. Hon. Members should refer to the statements that were made upon this subject to the East India Finance Committee by Lord Lawrence, than whom no man had so good a right to express an opinion, because he spent five years as a Member of Council, and then spent five years as Governor General, so that he saw the working of the Council both from the inside and from the out. I will not, however, say anything more on this head. If anyone, after reading what Lord Lawrence told us on the subject, can attach any importance to the statements against which Lord Lawrence's remarks upon this head are principally directed, he will naturally not attach much importance to anything that I can advance. But the hon. Member goes on to say, that the House views with apprehension our local taxation. Well, all I can reply is, that if the House views with apprehension our Indian local taxation, it must be very easily frightened. Why, what does our local taxation in India amount to? What is the local taxation raised in that vast continent from a population which we are learning to believe, as the results of the recent Census come out, numbers something like 200,000,000 in British territory alone. Our local taxation amounts to only £2,500,000 per annum, including all our municipalities and all our Presidency towns, and our provincial taxation—that is, the taxation which was transferred by Lord Mayo from the Imperial to the Provincial Budgets—amounts to about £700,000. Can that seriously be said to be a heavy local and provincial taxation to be raised upon a country as large as Europe without

Russia? Last year, to be quite safe, not having the exact figures, I said it was on an outside estimate, under £5,000,000; but it is really very much under £4,000,000.

Have hon. Members ever read the Revenue Law of Menu, as quoted by Mr. Wilson in his great speech of the 18th of February, 1860?—

"The revenue consists of a share of grain and of all other agricultural produce; taxes on commerce; a very small annual imposition on petty traders and shopkeepers; and a forced service of a day in each month by handicraftsmen. The merchants are to be taxed on a consideration of the prime cost of their commodities, the expense of travelling, and their net profits. On cattle, gems, gold, and silver, added each year to the capital, one fiftieth, which, in time of war or invasion, may be increased to one-twentieth. On grain, one-twelfth, one-eighth, one-sixth, according to the soil, and the labour necessary to cultivate it. This also may be raised in cases of emergency, even as far as one-fourth, and must always have been the most important item in public revenue. On the clear annual increase of trees, flesh meat, honey, perfumes, and several other natural productions and manufactures, one-sixth. The King is also entitled to 20 per cent on the profit of all sales. Escheats, for want of heirs, have been mentioned as being his, and so also is all property to which no owner appears within three years proclamation. Besides possessing mines of his own, he is entitled to half of the precious metals in the earth."

After this, is it surprising that Mr. Wilson should add—

"I should imagine the revenue laws of the ancient Hindoos must have been contributed to the sacred compiler by some very needy finance minister of the day."

And yet we are accused of being unduly severe in our taxation, when from a country where a taxation like this is permitted in the books of the golden age, in a country where every financial device was adopted before our coming even by the most virtuous minister, we raise a taxation spent exclusively in increasing the prosperity of the country, of about 3s. 10½d. per head, even if you consider the rupee to be worth 2s., but at present, remember, it is only worth 1s. 10½d. That makes a difference of about 3d. Three shillings and seven-pence-halfpenny per head is the whole amount of the taxation raised in India by the British, inclusive of the land revenue. That is a fact which seems to me one of the most creditable that has ever been told of any nation. What we do in return for that taxation, the annual "Statement of Moral and Material Pro-

gress" is there to show. Then the hon. Member proceeds to say that the financial condition of India must be regarded as unsatisfactory, so long as the Income Tax remains our only financial reserve. But in the first place, the Income Tax is not our only financial reserve; and in the next place, if it were, I do not for a moment admit that the Income Tax is a bad financial reserve. I have already said all I care on this occasion to say about the Income Tax; because the controversy having been settled for the time, I do not want to stir its embers. It is an open secret that the Governor General's Council was very much divided indeed upon the subject. But it will be time enough to defend the Income Tax when it is again introduced. For the present, I am quite willing to allow those who are opposed to it to seem to have the best of the argument. It must, however, be within the knowledge of the hon. Member, that some of the people who were most hostile to the Income Tax were strong partisans of other taxes by which they hoped to fill the deficit caused by the abolition of the Income Tax. Mr. Hunter, for example, a violent opponent of the Income Tax, has advocated a tax upon pān, the leaf which is chewed along with the betel nut. Others are in favour of a tobacco tax, and we have seen licence taxes and certificate taxes actually in force. Others, again, would raise the salt tax in Madras and Bombay, while succession duties, and a capitation tax, like that in Burmah, have all had their advocates. I have no hesitation in saying that I prefer the Income Tax to any of these; but then I am distinctly a friend to the Income Tax, and if the Governor General could have been guided by mere financial as distinguished from political considerations, I should like to have seen him abolish the inland duties on sugar, deal with the Salt Tax, thereby greatly curtailing the salt line, and perhaps even abolish the export duty on rice, before he had reduced the Income Tax below 2 per cent. Our information from India leads us to believe that it is the intention of Lord Northbrook to grapple with several of these questions during his term of office. For obvious reasons I will not say which; but I mention the fact, in order to show that neither he nor we share the hon. Member's alarm about the state of our finances. Now, as ever since I have been

at the India Office, I have looked with great hope towards the possibility of further military reduction, and the latest news which we have about Opium gives us every reason to hope that that important resource will not fail us just at the moment when the sudden loss of the Income Tax makes us feel grave, though not uneasy.

These are the general considerations which I have to offer to the House in reply to the hon. Member who is about to intervene in order to prevent us going into Committee. I have no doubt he will ransack the evidence that has been produced before the Finance Committee, to find what he supposes to be mistakes on the part of the Indian Government here and in India during the last 15 years, and doubtless he will hit some blots. No one pretends that the Indian Government does not make mistakes; but I shall be surprised indeed if he can bring forward anything of sufficient importance to support the huge superstructure of the Resolution which he proposes to build up, and to build up while the Committee of which he is a Member is painfully engaged in collecting evidence through which it may arrive at some conclusion. For what possible object that Committee exists at all, if the hon. Member is to ask the House to take out of its hands the question which the House directed the said Committee to investigate is more than I can understand. That, however, the hon. Member should propose so strange a course to the House is a matter which the House and the Committee and the hon. Member must settle between them. It is no affair of mine, except in so far as I form a fractional part both of the House and of its much-enduring Committee. I move, Sir, that you do now leave the Chair.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Grant Duff.)

MR. FAWCETT moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Fawcett.)

MR. AYRTON urged that the discussion upon this most important subject ought not to be stopped at a quarter-past 11. He thought his hon. Friend might very well proceed to address the House at that period.

*Mr. Grant Duff*

MR. FAWCETT appealed to the Speaker whether he should lose his right of speaking on the main subject if he made one or two observations to explain why he moved the adjournment of the debate. He made that Motion simply to consult the convenience of the House.

MR. SPEAKER said, the hon. Gentleman would be entitled to speak on the Motion he had made for the adjournment of the debate, but he could not speak again on that question. If the House allowed the hon. Gentleman to withdraw his Motion he might then speak on the Main Question.

Motion, by leave, withdrawn.

Question again proposed.

MR. FAWCETT said, the reason why he wished for the adjournment of the debate was because he felt it impossible to confine his remarks within such a time as would suit the convenience of the House. He had a great deal to say upon India, and he felt it his duty to say it. Some 13 years ago the Queen, in the name of the English nation, laid down the principle that they were bound by the most sacred of all obligations to attend to the interests of her Indian subjects. The announcement of that principle was accepted with the greatest satisfaction from one end of India to the other. Had they acted on that principle? On the contrary, Indian affairs were treated with a contemptuous neglect which he ventured to say would not be shown towards the most insignificant question in that House. From a quarter past 10 o'clock in the fag-end of the Session, that being the only evening which was allotted to Indian affairs, was all that was vouchsafed by the Government of the time of the House for the consideration of this subject. The news would spread throughout the length and breadth of India, and the House might depend upon it that they had better postpone any subject of legislation than give the people of India the impression, which it would be very difficult to remove, that they did not give adequate consideration to their affairs. The Under Secretary had been kind enough to describe him as the spokesman of financial panics. He was not the spokesman of financial panics; but he would tell the Under Secretary what he meant to do in future as long as he was a Member of the

House—he would do everything that an independent Member could do to arouse an adequate amount of interest in Indian affairs. They might depend upon it that if they went on in the future as they had done in the past, they would not be able to maintain their Empire in India, but would alienate the Indian people. Last year he promised that he would devote all the time at his disposal to Indian affairs, and the result had been that he could not now remain silent, although he was unwilling to trespass on the indulgence of the House. He would proceed in the course of these remarks to prove, in spite of what had been said by the Under Secretary, that the situation of the Government of India at the present time was such as to offer no adequate guarantee for efficiency and economy, and that extravagance ensued. He would also bring forward facts to show that the state of Local Taxation in India should excite their grave apprehension, and if he wanted a witness to that he could confidently appeal to the right hon. Gentleman who had presided over the East India (Finance) Committee (Mr. Ayrton) with so much courtesy, urbanity, and impartiality. Although that right hon. Gentleman had been the Chairman of another Committee, he, unlike the Under Secretary, had never been absent from the Finance Committee. Again, this other conclusion had been impressed upon his mind—that the financial position of India could not be regarded as satisfactory, the Income Tax being the only financial reserve. He (Mr. Fawcett) was not going to dispute the accuracy of the Under Secretary's figures; he would only say this much—that many different conclusions could be deduced from the same figures. He would begin with the subject of the Income Tax. If there was any truth in the doctrines which the Under Secretary laid down last year with reference to the Income Tax, then the Government had been guilty of one of the grossest of financial blunders. Last year the Under Secretary said that the Income Tax was the only means of taxing the rich, and now he said that he had given it up, not for financial, but for political reasons, in consequence of the abuses attending its collection, and in consequence of the discontent it produced. There could not be a grosser blunder than to assume that because a certain tax was suited to one

country that therefore it was suited to another, and there was overwhelming evidence to prove that the Income Tax was entirely unsuited to India. If that tax were suitable to the country then the Government had been guilty of a gross blunder in repealing it. The Under Secretary had cited authorities of Indian Financiers in favour of the tax, and in reply he would cite the authority of three men who were successively Finance Ministers in India. The first abandoned an office, second only to that of the Governor General, rather than be a party to levying the Income Tax on the people of India; the next had stated that it was impossible to conceive a more obnoxious and objectionable tax; and his successor had declared that no power on earth would induce him to remain in office if he were compelled to impose the Income Tax as a permanent source of revenue. The Under Secretary had quoted the authority of Lord Lawrence in favour of the tax; but he had omitted to mention that Lord Lawrence had added, no other tax had produced more discontent in India. The Income Tax in the past had been constantly varying in India, and that accounted for the discontent of which Lord Lawrence spoke. The Indian people never knew from one year to another what Income Tax they would have to pay. The Under Secretary had said that in a few years it might be necessary to re-impose the tax; but he was prepared to show that if the present extravagance of financial administration continued, the re-imposition of that tax would be not merely possible but absolutely certain. The Under Secretary had taunted him that evening with being the spokesman of financial panic; and although he last year announced that what he should have to say upon the subject would not be of the slightest importance, this year he appeared to entertain a contrary opinion. About four years since he (Mr. Fawcett) attempted to arouse more interest in Indian affairs in that House than had previously existed, by the proposal to appoint a Select Committee, and from that time there had been a reduction of expenditure to the amount of £6,000,000 per annum, which was an inducement to him to persevere in the course he had marked out for himself. The Under Secretary had greatly overstated his case in stating

that the watchfulness of Parliament had led to the reduction, for he ventured to assert that the ablest financier in the country—not even the Prime Minister himself—could tell, if he devoted six months attention to Indian accounts, to what extent the expenditure of India had been reduced during the last three or four years. Indian finance had a confusion cast over it, owing to the unintelligible distinction that was made between Public Works Ordinary and Public Works Extraordinary, and to the appropriation of capital to income. Then, again, the fluctuations of cash balances to the extent of £16,000,000 within the same period of time, gave an unbounded field for exploits in financial ingenuity, and until they knew the nature of the cash balances it was impossible to place any confidence in the statements of expenditure and revenue. Nobody had been able to give an intelligible explanation of what the cash balances were—they were, in fact, a hodge-podge into which everything was thrown. Then the proceeds of the sale of Government land in India had been improperly transferred to the revenue account in defiance of the special Act which declared that under no circumstances should the proceeds of land be appropriated to income. That Act was disregarded, and it seemed to him that the appropriation of capital to income which, according to the evidence given before the Committee, was practised in India was not characteristic of the conduct of a prudent Government, but rather of the conduct of a spendthrift who grasped every farthing on which he could lay hand to meet his current expenditure. A great sensation had been created lately in this country by what was known as the Post Office scandal, which simply consisted of the transference of capital in one form to capital in another. Yet so serious was the appropriation considered to be that the Government expected a Vote of Censure upon it. Now, Governments had before to-day resigned on a less Vote of Censure, and if the present Government thought the proceeding to which he was referring so wrong that they submitted to be censured like lambs, what language, he should like to know, could properly characterize the far more grave proceedings which happened every year in India of appropriating capital to income? The Committee would now, he

*Mr. Fawcett*

thought, understand why the subject had been passed by so lightly by the Under Secretary of State. But there was another reason why no confidence could be placed in the existence of a surplus in any particular year in India. Nobody, he believed, could tell to what an extent a comparatively favourable balance between expenditure and revenue was created by the suspension for a time of public works. No Department in India had been characterized by so much waste, mismanagement and extravagance as the Public Works Department, and nothing had contributed so much to that result as the impulsiveness with which public works had been undertaken, and the suddenness with which they had been abandoned in order to obtain a favourable balance of expenditure and revenue. The Under Secretary had stated that during the present year £4,500,000 out of the cash balances had been expended on Public Works Extraordinary. But the Government would not have that resource next year, and where then, he should like to know, was the money to be procured to continue those works unless it was by borrowing? The resource, in short, was simply temporary, and there would be a deficiency of £4,500,000 next year unless the system of borrowing were to be resorted to. The Under Secretary had, he might add, recommended to hon. Members a certain course of reading during the Recess. He had advised them to read the evidence of Lord Lawrence. That reading would, he hoped, be supplemented by an examination of the evidence of General Strachey. He could multiply instances out of number of the waste and mismanagement of the Department of Public Works, and he would give one short narrative, every fact of which was proved by official testimony. The Saugor Barracks were constructed by the Department. They cost £150,000, and it took four years and a half to complete them. When they were finished it was found out that they were so badly constructed that the Government found the best thing they could do was to pull them down. And what led to that inevitable result? Those works were watched over by an European Engineer officer with two European subordinates. Now, it appeared that not one of those persons had the slightest experience in masonry work, and it was for that reason, ap-

parently, that they had been selected. The works were found to be so rotten that one could stick a walking-stick into them up to the arm, and the mortar dropped away like corn from a hopper. Indeed, the Committee could have no idea of the amount of officialism connected with the subject. Above the European Engineer there was a Superintendent Engineer, who visited the works only three times while they were being constructed, and who wrote only one report. He, again, was presided over by the local Engineer of the district, who never visited the works once, and who had not thought it worth while to write a report at all. Not a bit of the work, he might add, was undertaken by contract. It was all committed to the hands of the Public Works Department, to which it was now proposed to intrust the expenditure of £70,000,000 of the money of the people of India. But, leaving that point, he would direct his observations to some more general principles bearing upon the financial position of India. There was a broad distinction between the financial position of that country and that of England. In England the revenue went on increasing so rapidly that the income derived from the Income Tax was 100 per cent more than when the tax was originally imposed, while the tea, spirit, sugar, and tobacco duties brought in a greatly larger amount. The result was that the great expenditure of this country, as had frequently been pointed out by the Prime Minister—and no one could deal with the figures in a more masterly way—had been accompanied by a reduction of taxation. So that while we were spending £70,000,000 the country was, he believed, less heavily taxed to the extent of £40,000,000 than when we were spending only £50,000,000. That, however, was not the case in India, although, no doubt, there was an increase in the land revenue. He would quote the words of one the loss of whom they all regretted, and who many of them knew intimately—Lord Mayo was no alarmist; he was a man of courage, and not the spokesman of a financial panic; but he declared that the increase of expenditure in India, unlike that of England, was producing a wide feeling of discontent from one end of the Empire to the other. That testimony had been supplemented by Lord Napier, who declared

that in consequence of the increase of expenditure there was probably no time in the history of our dominion when we had so small a hold on the affections of the people.. The military expenditure of India was to a great extent under the control of the War Office and the Horse Guards, and what might be an excusable piece of expenditure in a rich country like this would be a monstrous act of extravagance in the case of a poor country like India. Any day, from some emergency arising from war or unpropitious seasons, we might have to raise £5,000,000 of additional revenue in India. But suppose we had to raise such a sum in England, there were 20 different ways in which it might be done. A Minister who had the confidence of this country might, in case of a great emergency, raise £10,000,000, £15,000,000, or £20,000,000 additional revenue without for one moment affecting the stability of the Government. But how could they raise £5,000,000 of additional revenue in India? He had examined Lord Lawrence at length on this point, and what did he say? The land revenue was only susceptible of a very small increase. He next referred to the tax on opium; but Lord Lawrence said the opium revenue was much more likely to decrease than to increase. The Under Secretary had stated that in regard to opium we had Providence on our side; he (Mr. Fawcett) thought it was exactly the reverse. The Government of China, finding that their efforts to discourage the growth of opium were defeated by our persistent determination to force it on the people of that country, would sanction the growth of it in China itself. Then as to salt, could they get more revenue out of it? The Lieutenant Governor of Bengal said the other day that he would rather have his right hand cut off than be a party to increase the salt duty. Lord Hobart expressed a similar opinion. An increase of 18 per cent on salt only produced an increase of 12 per cent. The heavy duty on salt was checking consumption, and there was an extraordinary unanimity of opinion in India that owing to the heavy duty on salt there was great disease among the cattle of that country. The next item of revenue was the Customs, which only yielded £2,750,000, which to a great extent was paid by the European, not the native population. Lord

Lawrence did not know a single Customs duty that could be increased. He asked Lord Lawrence whether he could suggest an existing tax in India that could be increased, and he could not; could he suggest the imposition of any new tax to raise additional revenue, and the reply was "No." Under those circumstances, he thought that he had proved his position—that if any additional income was required in India the only reserve from which it could be supplied was the Income Tax. Unanswerable arguments had been given against a tobacco tax, and lately the corn tax had been abandoned. He now came to the subject of Local Taxation—one which the Under Secretary had passed over very glibly. In England, if it were proposed to increase local taxation, it could only be levied on land and houses. A man's income or his furniture could not be rated. That was not so in India. There local taxation was not only levied on land and houses, but upon everything a man possessed—the clothes he wore, his food, his furniture, his income, were all liable. Would such a state of things be tolerated for a moment in England? But, said the Under Secretary, local taxation in India only produced £3,200,000. He forgot to remind the House of the extraordinary difference between the wealth of India and of England. Here an income tax of 2d. in the pound produced nearly £4,000,000; there it would produce only £500,000. The population of India was therefore eight times poorer than that of England. In other words, in a country seven times as great as England, a source of taxation only produced one-eighth what it would in England. Nothing could be more delusive than to make comparisons between the taxation of two countries unless the relative wealth of the two were taken into account. The highest authority on such a subject, Lord Lawrence, said that the mass of the people were so poor that they could barely obtain the means of a miserable existence. Not only did the Indian system of local taxation press with great cruelty upon the people, but it seemed to have been devised with a view to producing the maximum amount of torment and terror. Was the Under Secretary aware that in Bombay an Act existed—the Act was suspended merely, not repealed; it was held over the people's heads, and might be enforced any day—

authorizing the imposition of an income tax on incomes of £5. In the history of the world was so monstrous a tax ever before devised by human perversity? While the extravagance to which he referred was being practised, the people of India, who found the money that was being squandered, were suffering under a taxation as grievous as any that human ingenuity had ever conceived. It might be asked how it was that local taxation had of late years occupied so permanent a position, and his answer was that the decentralization scheme of Lord Mayo was responsible for it all. The scheme involved the local authorities in an expenditure so vast they had been compelled to very considerably increase the local imposts in order to meet it. Decentralization was all very well in England, where to a great extent the prosperity and power of the country depended upon its local institutions; but it was altogether out of place in India, where the circumstances were altogether different. He might be asked to point out remedies for the state of things of which he complained, and he would endeavour to do so, but not until after he had pointed out the objectionable features of the case as they appeared to him. The most striking fact, as it appeared to him, was to be found in the mode in which the country was governed. The Secretary of State in England and his Under Secretary were at the head of affairs, although nominally the supreme control was in the hands of the Governor General; and therefore it would be seen that the destinies of India were in the hands of high officials who had not been nominated or appointed in any way by the population they ruled, but were Members of the Home Government, and might be removed, as they had been elected, by the will of the English people. There was nothing in the present administration of India to supply the place of that protection and watchfulness which India enjoyed under the East India Company. It might be said that no proofs could be adduced to show that the interests of India were sacrificed to those of England. One of the oldest Indian officials had, however, declared that under the present system he scarcely knew an instance in which the interests of India did not go to the wall when they conflicted with those of England. Sir Charles Trevelyan went out to India at

the age of 17. When he returned to this country he became Permanent Secretary to the Treasury. He afterwards returned to India, and when he saw the system of government which had replaced that of the East India Company he averred that things were done now that could never have been done in the days of that Company, and that India was made to pay charges that would formerly have been out of the question. Formerly, under the Company, her finances were managed with remarkable frugality; now they were administered with reckless extravagance. Take the payments made by India for the Malta and Alexandria Telegraph, the payment by India of a portion of the expenses of the Abyssinian War, with which she had nothing to do, and other smaller charges of a like character. Why was India made to pay those charges? Because she was unrepresented. The Duke of Edinburgh not long since visited India, and India was made to pay the travelling expenses of his companions from England. It was no defence to say that the sum was small, for sometimes small impositions of this kind produced more discontent than larger grievances. India had suffered to the extent of millions of money because she had not been protected against certain commercial interests in this country. Scheme after scheme had been guaranteed and 5 per cent had been assured upon million after million upon contracts carelessly drawn. The Orissa Company had been bought at £450,000 more than its market value. The Madras Irrigation Company had a guarantee of 5 per cent upon £1,600,000, but had never returned 1s. of interest. About £8,000,000 had been expended upon the Scinde, Punjab, and Delhi Railway, which returned 12s. 6d. per cent upon the outlay. India bore the loss of these guarantees, and the £100 shares of these companies so disastrous to India figured in our Stock Exchange lists at from £4 to £7 premium. The Under Secretary stated that the Secretary of State for India was solicitous to reduce the military expenditure in India; but whenever he received from India a suggestion for its reduction he had to forward it to the War Office and the Horse Guards, and they invariably considered the question with reference to English and not to Indian interests. As a proof of the waste and

extravagance of the military expenditure it was only necessary to state that during the last ten years, although the European forces had been decreased by 12,000 men and the Native troops by 16,000 men, yet the military expenditure was positively £1,500,000 more than before that reduction was made. To one enormity of Indian military expenditure he would call the attention of the House. In the Staff Corps an officer might enter after three years' active service, and he might rise to the rank of Major General and retire on a pension of £1,200 a year, without having ever done a day's work other than civilian. There was another point connected with military expenditure, which showed the unhappy position of India at the present time. India was charged by the War Office an extravagant price for recruits. She was made to pay at least one-third more than if she obtained them for herself. This had been protested against; but for six months no notice had been taken of the protest by the War Office. The Indian Council had disappointed the expectations of many of its friends. How was that to be remedied? Not by abolishing it, but by strengthening its hands. The proceedings of the Council should be published. If that were done it would form an intelligible basis on which to found our interference in Indian affairs. The whole future of our dominion in India simply depended on the extent to which the House in future was prepared to a greater extent to recognize its responsibility to India. There was no excuse, in his opinion, for continuing the Governorship of either Madras or Bombay. They should be governed as the Punjab was, by Lieutenant Governors, with regard to whom he might observe that they were almost invariably appointed by the Governor General, and consequently were subordinate to the Viceroy; but the Governors of Madras and Bombay were appointed by the Secretary of State, and were therefore House of Commons' appointments, such Governors being appointed to serve party or political considerations. If it had not been for the extravagance of Bombay, many of the financial difficulties of India would have been avoided. He might mention, as an instance, that the Governor of Bombay pulled down his house, which was valued at £35,000, and when reproved by Lord Lawrence,

the then Governor-General, he said his intention was to build another house of equal value. The matter was then passed over by Lord Lawrence; but the Governor of Bombay incurred enormous expense at the cost of India in erecting another house. He had incurred a cost of £90,000 on the house. [An hon. MEMBER: Name, name!] Sir Bartle Frere. What sum did the House think was drawn from the people of India for the house? Not less than £160,000; and while that enormous sum was drawn from the finances of India to build a country house for the Governor, yet the Government of India could not or did not furnish the means to found 16 scholarships for deserving youths of the Presidency. Lord Lawrence again remonstrated with Sir Bartle Frere on the enormously extravagant sum drawn for the house, and Sir Bartle Frere thereupon wrote to the Home Government, and what did the House think was the result of his representation? Why, the Home Government actually gave him £20,000 to furnish his country House. Another reform which was absolutely required was to give the people of India a greater voice in the Government of the country. No native could even obtain employment in the Civil Service except he came to England to compete; neither could he become an engineer in his own country unless he appeared at the College at Cooper's Hill. India required what *The Times* recently called good State housewifery, because hitherto her affairs had been muddled, not managed. With those remarks of the leading journal, which well summarized his views on India, he would draw his remarks to a close. What was required for India was wise frugality, watchfulness of small details, and that careful attention, in short, which distinguished a well-managed household. They required above all to create greater bonds of sympathy between the rulers and the ruled. Scientific systems of jurisprudence, reforms in the law would do nothing unless the people were made to feel that they were to become greater sharers in the Government of their country. Unless England did that, she could not discharge the responsibility she had assumed in obtaining dominion unasked over 200,000,000 of people. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

*Mr. Fawcett*

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present constitution of the Government of India fails to secure an efficient or economical management of its finances, and that this House views with apprehension the state of local taxation in that Country, and is of opinion that its financial condition must be regarded as unsatisfactory so long as the Income Tax forms its only financial reserve,"—(Mr. Fawcett,) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

*Debate adjourned till To-morrow, at Two of the clock.*

**LAW OF EVIDENCE BILL.**

On Motion of Mr. ATTORNEY GENERAL, Bill to amend and consolidate the Law of Evidence, ordered to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill presented, and read the first time. [Bill 274.]

House adjourned at a quarter before Two o'clock.

**H O U S E O F L O R D S,**

*Friday, 1st August, 1873.*

**MINUTES.]—PUBLIC BILLS—First Reading—Telegraphs\*** (266); **Militia Pay Acts Amendment\*** (271).

**Second Reading—Public Health Act (1872) Amendment\*** (257).

**Second Reading—Committee negatived—Constabulary Force (Ireland)\*** (261); **Expiring Laws Continuance** (258); **Railway Regulations\*** (259); **Royal Naval Artillery Volunteer Force\*** (260); **Sanitary Act (1866) Amendment (Ireland)\*** (262).

**Committee—Endowed Schools Act (1869) Amendment (263); Merchant Shipping Acts Amendment\*** (254-269); **Conspiracy Law Amendment (266-270).**

**Committee—Report—Defence Acts Amendment\*** (266).

**Report—Penalties (Ireland)\*** (242); **Langbaugh Coroners\*** (248).

**Report—Third Reading—Elementary Education Act (1870) Amendment, &c.\*** (265), and passed.

**Consideration of Commons Amendments—Conveyancing (Scotland), negatived.**

**ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL—(No. 253.)**  
*(The Lord President.) COMMITTEE.*

House in Committee (according to Order).

Clauses 1 to 14, inclusive, agreed to.

Clause 15 (Continuance of powers of making schemes).

**EARL BEAUCHAMP** (on behalf of the Marquess of SALISBURY) moved to strike out the clause and insert the following in lieu thereof:—

"The power of making and suppressing a scheme under the principal Act as amended by this Act shall continue as respects unopposed schemes until thirty-first December one thousand eight hundred and seventy-four, and as respects schemes against which a petition shall have been presented to the Committee of Council on Education, as in this Act provided, until the fifteenth August one thousand eight hundred and seventy-four, and no longer."

**THE MARQUESS OF RIPON**, while disliking the limitation, would not press his objection to a division.

Amendment agreed to.

Then, on the Motion of the Marquess of RIPON the following new Clauses inserted:—

After Clause 8, insert—

(Scheme as to endowments in which schools under 31 & 32 Vict. c. 118. are interested.)

"Where two or more schools are jointly interested in an educational endowment, and one of such schools is a school mentioned in section three of "The Public Schools Act, 1868," the Commissioners shall not, without the consent of the special Commissioners for the time being under "The Public Schools Act, 1868," deal by any scheme with the interest of such last-mentioned school in the endowment, but, with the consent of those Commissioners to the dealing with such interest, may, by a scheme under the principal Act, deal with such interest as well as with all other interests in such endowment."

Clause 12, page 5, line 30, leave out ("of appeal")

After Clause 16 insert the following clause:—

(Application of Act to schemes laid before Parliament during present session.)

"Where a scheme has been laid before Parliament during the present session, but has not at the expiration of such session lain for forty days before Parliament, and no address has been presented by either House of Parliament praying Her Majesty to withhold her consent from such scheme or any part thereof, the Committee of Council on Education may, if they think fit, cause to be published and circulated, in such

manner as they think sufficient for giving information to all persons interested, a notice stating that unless within two months after the first publication of the notice such petition as is in this section mentioned is presented to the Committee of Council on Education such scheme may be forthwith approved by Her Majesty.

"During the said two months a petition praying that the scheme may lie before Parliament during two months as directed by this Act may be presented to the Committee of Council on Education by any governing body, council, or ratepayers, who would if such scheme were approved by such Committee after the commencement of this Act, be authorised by this Act to present a petition praying that such scheme may be laid before Parliament.

"If no such petition is presented within the said two months it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme in like manner as if it had lain for forty days before Parliament in accordance with the principal Act.

"Any scheme to which this section applies and which is not approved by Her Majesty under this section shall continue to lie before Parliament, and the provisions of this Act shall apply in like manner as if such scheme had been laid before Parliament in pursuance of this Act."

Amendments made : The Report thereof to be received *To-morrow*, and Standing Orders Nos. 37 and 38 to be considered in order to their being dispensed with.

#### CONSPIRACY LAW AMENDMENT BILL.

(*The Earl of Kimberley.*)

(NO. 256.) COMMITTEE.

Order of the Day for the House to be put into Committee read.

*Moved*, "That the House do now resolve itself into Committee."—(*The Earl of Kimberley.*)

LORD CAIRNS said, he desired to call attention to the peculiar character of this Bill. It was, as the noble Earl opposite (*the Earl of Kimberley*) stated in moving the second reading, introduced in consequence of the conviction and sentence of certain gas-stokers, who had, as their Lordships would remember, "struck" against their employers some time ago. The sentences passed upon these persons were, undoubtedly, severe; but there was no reason for saying that they were not in accordance with the existing law. These sentences, however, had been made the subject of much comment, and of some discontent. The gas-stokers were indicted under two counts: the first charging them with an unlawful combination under the Criminal Law Amendment Act, which subjected

the accused, on conviction, to three months' imprisonment; and the second count, under the Master and Servant Act, charging them with a conspiracy to break their contract, for which that statute provided the punishment of 12 months' imprisonment. The accused were convicted on the second count—for the conspiracy—and the Judge, Mr. Justice Brett, passed the full sentence. Now, if these persons had been convicted not for the conspiracy to commit the offence, but for the offence itself, under the 30 & 31 Vict. c. 141 (the Master and Servant Act, 1867), the punishment which could have been inflicted would have been much less severe. It seemed very anomalous that the conspiracy to commit an offence should be dealt with with greater severity than the commission of the offence, and this Bill was in consequence introduced into the other House by a private Member, the hon. and learned Member for Oxford City (Mr. Vernon Harcourt). The measure, when so introduced, was limited to a provision that persons indicted for conspiracy under the Master and Servant Act, should not be liable to a heavier punishment than that allotted to the offence when committed by an individual. While the Bill was in the Commons it was, as stated by the noble Earl (*the Earl of Kimberley*), enlarged and extended, so as to embrace not only the individual case, but to re-model the whole Law of Conspiracy. Such being the real character of the Bill, he (Lord Cairns) held that a measure of so important a nature should have been introduced on the authority of the Government, and not by a private Member, than whom the Government had better opportunities of taking the opinions of the Judges, who might be termed the guardians of the criminal law of this country, and who were really the only authorities on whom the Government could confidently rely. Nor had their Lordships' House any opportunity at this period of the Session, and the absence of the Judges on circuit, of requiring, as they had a right to require, their assistance in considering so considerable a change in the law. The Bill drew a distinction between offences indictable by statute and offences indictable at Common Law. Offences against the statute law were left untouched; but of those now indictable at Common Law it selected seven, which were set forth

in a Schedule. The legal consequence was that the Law of Conspiracy was repealed and done away, except as regarded these seven specified offences. The gravity of the *delicta majora* thus selected could be judged by their Lordships by reading the list; but he thought it would be highly dangerous to exclude all other Common Law offences from the operation of the Law of Conspiracy. For instance, one of the Law Officers of the Crown had been asked, whether sending forged telegrams was an indictable offence? He (Lord Cairns) did not know how this might be now—a conspiracy to do such an act for the purpose of influencing the funds was an indictable offence. This was clear—that if this Bill passed persons who attempted this very serious offence would no longer be indictable for conspiracy. By Common Law, conspiracy was not restricted to combination to effect an illegal thing—it included also a combination to effect a lawful purpose by illegal means. It was doubtful whether, under this Bill, that would continue to be so. He demurred to the general proposition laid down by the Bill, that a person convicted of conspiracy should not be liable to any punishment greater than that provided by statute for an act done by a single person; because in many cases where a number of persons combined to do a particular illegal thing, the offence was much greater on the part of every one of those persons than if only one person attempted to do the same thing. But the Bill, after laying down that unsafe general rule, itself departed from it. An offence indictable by Common Law for conspiracy was not to be punished by more than six months' imprisonment without hard labour; whereas an individual might be imprisoned for one, and even for two years. Breach of contract was not punishable criminally, except under the Master and Servant Act—an exception, he presumed, adopted after full consideration. He had a strong feeling against such legislation being carried further. He thought the punishment provided by the Act for an offence committed by an individual was sufficient; and the punishment for conspiracy to commit the same act ought not to be heavier than that on the individual who actually committed it. If the Government were willing to limit the Bill to such a provision he should have no

objection to it; but if the whole Law of Conspiracy were to be dealt with, it had better stand over till next Session.

THE EARL OF KIMBERLEY explained that the object of the Government in enlarging Mr. Vernon Harcourt's Bill was to place the Law of Conspiracy on an intelligible footing, by providing that, except as to seven serious offences, the punishment for conspiracy should not be heavier than that for individual offences. At present the Judges had an indefinite power of awarding a much heavier punishment; and when a man, cognizant of the punishment for an individual act, found himself liable to a much severer sentence for conspiring to commit the act, much discontent was aroused. He gladly accepted the noble and learned Lord's admission that the exceptional punishment criminally of breach of contract under the Master and Servant Act ought not to be greater in cases of combination than that assigned to individual acts. He thought the Bill dealt with a large subject in a satisfactory manner; but the noble and learned Lord's opposition had reduced him to the one question, whether he would confine the Bill to that single point rather than lose the measure altogether; and he thought it more advisable to accept the former alternative, considering that, as far as it went, it was a decided amendment of the law.

THE LORD CHANCELLOR said, the Bill had been extended by the Government after careful consideration, and the limitation suggested by his noble and learned Friend (Lord Cairns) would not meet the dictum of Mr. Justice Brett in the gas-stokers case—that any combination to force the will of another by unjustifiable means was punishable for conspiracy by Common Law. Differences of opinion had been expressed as to this; but their Lordships would not assume that so eminent a Judge had taken a mistaken view. The doubt and uncertainty attending the Law of Conspiracy tended to an arbitrary administration of it, and the Government, especially its Law Advisers, had desired to remove that uncertainty. The Bill as it stood would not affect conspiracy to effect lawful ends by unlawful means, but in cases where neither means nor ends were punishable by law it was desirable that the limits of the Law of Conspiracy should be more clearly laid

down. The conspiracies left untouched were those to cheat or defraud, to extort money, to accuse of crime falsely, to impede the course of justice, and conspiracies contrary to public morals and decency or against the Government. The Home Office and the Law Officers of the Crown, with some assistance from Mr. Wright, the author of a recent work of considerable merit on the Law of Conspiracy, had gone carefully into the matter, in order to satisfy themselves that no kind of conspiracy had been overlooked. If it were consistent with their Lordships' convenience at this time of the Session to go into all the details he should have been prepared to defend them; but, looking to all the circumstances of the case, he considered it might be better to accept the suggestions of his noble and learned Friend than to leave matters in their present state.

Motion *agreed to*; House in Committee accordingly. Amendments made; the Report thereof to be received Tomorrow; and Standing Orders, Nos. 37 and 38, to be considered, in order to their being dispensed with.

CONVEYANCING (SCOTLAND) BILL.  
(no. 264.)

*Commons' Amendments considered.*

*Moved* that the Commons amendments to Lords amendments and Commons reasons for disagreeing to certain of the amendments made by the Lords be now considered.—(*The Lord Chancellor.*)

LORD COLONSAY rose to move as an Amendment that the said Amendments and Reasons be taken into consideration that day three months. The noble and learned Lord stated his objection to the Bill, notwithstanding, or in consequence of, the numerous Amendments that had been made by both Houses. After a highly technical examination of the provisions of the Bill as it stood, the noble and learned Lord said, that in a Bill of this description it was essential that everything should be clear and intelligible, but that the alterations made in the measure at the last moment only confused and complicated the subject. The Bill which had been originally sent into their Lordships' House from the House of Commons was a very different measure from that which had been sent down to the other House

by their Lordships, and this had again been materially changed by the Amendments recently made by the Commons. Those persons in Scotland who had taken a warm interest in this subject had not had time to consider the Amendments, and seeing that the Bill was not to come into operation before the 1st January, 1874, he thought that if Government introduced a Bill in February, it might be passed and come into operation in June, that the mere question of a six months' delay ought not to prevent the measure from being carefully and properly considered.

Amendment *moved*, to leave out ("now") and insert ("this day three months.")—(*The Lord Colonsay.*)

THE LORD CHANCELLOR said, the course taken by his noble and learned Friend was neither a usual nor a convenient one. Their Lordships had already affirmed the principle of this Bill, and the desirableness of legislating on the subject to which it had reference, by giving it a second reading. When the House went into Committee, their Lordships had bestowed a considerable amount of attention and care upon the consideration of the details, and many Amendments moved by his noble and learned Friend (Lord Colonsay) were adopted. Some of those Amendments, bearing upon the general scope and object of the Bill, the House of Commons, differing from their Lordships, rejected; but others—and among them some Amendments of great importance—were accepted by the House of Commons, who had therein shown a disposition to approximate towards their Lordships' views. Their Lordships could hardly alter the opinion they had expressed as to its being desirable to legislate upon this subject, but they might disagree with the Amendments sent up from the House of Commons, and insist upon their own—thereby throwing upon the other House the responsibility of the failure of the Bill if they persisted. He certainly could not think that in the case of a Bill relating to an important subject, on which all parties had agreed that it was desirable to legislate—and especially when the general nature of the legislation was also agreed upon—his noble and learned Friend or the House would be pursuing a very consistent course in declining to

*The Lord Chancellor*

take into consideration the Amendments sent up by the Commons.

LORD CAIRNS said, there was no doubt that the Bill was one of great importance, and that a great deal of the time of both Houses had been expended in putting it into shape. No doubt some of their Lordships must have a painful recollection of the time they had spent on the Bill in Committee, and it would be in their remembrance that considerable Amendments were made by their Lordships, and made with a great deal of care. They all understood and appreciated the firmness and the candour with which the noble and learned Lord on the Woolsack had met the opposition urged against portions of the Bill, and they could remember the form in which it was sent back to the other House, where he had no doubt, from the Amendments there made—although the discussions appeared to have been conducted with closed doors, as they were not recorded in the ordinary channels of information—the most earnest attention was bestowed on the details of the Bill as altered by their Lordships. When the Commons had made the changes they thought requisite, the Bill was sent back to their Lordships, and it was for them to say whether they should turn it out at the last moment, or send it to the House of Commons once more in order that they might again consider the Amendments they proposed to make. The latter appeared at first sight the most promising and plausible course, and there was only one ground on which he regarded it as insecure. The Prorogation of Parliament they were told was to take place next Tuesday; and if their Lordships chose to-night to go through the Amendments and Reasons which occupied 25 pages of print, it was probable the House of Commons might require some days to consider the result of their Lordships' work, and it would be utterly impossible that they could have this time if Parliament were to be prorogued on Tuesday. On the whole, he thought it would be better that the measure should be re-introduced next Session.

On Question, that ("now") stand part of the Motion? Their Lordships divided:—Contents 25; Not-Contents 43: Majority 18.

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*Resolved*, in the negative; Commons' amendments to Lords' amendments, and Commons' reasons for disagreeing to certain of the amendments made by the Lords, to be considered on this day three months.

#### EXPIRING LAWS CONTINUANCE

BILL—(No. 258.)

(*The Earl of Morley.*)

SECOND READING.

Order of the Day for the Second Reading, read.

*Moved*, "That the Bill be now read 2d."—(*The Earl of Morley.*)

THE EARL OF CARNARVON complained of the practice which had grown up of passing this Bill hurriedly through Parliament at the very close of the Ses-

sion, when there was no opportunity of giving it adequate consideration. Many of the Acts named in it were of the very gravest importance. Many of the Acts, when first introduced, were designed to be merely temporary, but they actually became permanent by being annually renewed through the medium of this Bill. This mode of proceeding was very objectionable; because if these measures required consideration, it was impossible to give them that consideration when they came before the Legislature merely as names in a General Continuance Bill.

THE LORD CHANCELLOR was surprised to hear a noble Lord of such great Parliamentary experience raise such an objection. For many years past it had been the practice in the House of Commons to appoint a Select Committee in every Session to consider these expiring laws, and decide whether they should be continued or dropped altogether. He might assure the noble Earl that the great majority of the Acts contained in the Bill were of such a nature that they could not be dropped without the greatest inconvenience. All that Parliament wished to declare in passing this Bill year by year was, that there were a number of Acts of a temporary character, the wisdom of whose continuance it was advisable from time to time to consider.

THE MARQUESS OF SALISBURY thought the complaint of the noble Earl (the Earl of Carnarvon) was a salutary protest against a very pernicious practice. The Bill under discussion was merely a means to enable Parliament and Ministers to cheat themselves by smuggling Acts through quietly against which there was very considerable objection. Thus, Acts which were merely allowed to pass on condition that they were only to be in operation for a year, were continued and re-continued without discussion until they became part of the permanent statutes of the land.

THE EARL OF KIMBERLEY said, that in illustration of the necessity of such a Bill, he would point out that the Schedule embraced a measure of such importance as the Preservation of the Peace in Ireland. Parliament could not pursue any other course with respect to such a measure than to make it temporary; because otherwise it would be a practical declaration that the ordinary privileges of the Irish people were to be

taken away permanently. By continuing that Act as long as it was found to be necessary by means of this Bill, not only a great deal of time was saved, but much needless and unprofitable irritation was avoided.

After some remarks from Lord DENMAN and Lord CAIRNS,

Motion *agreed to*: Bill read 2<sup>d</sup> accordingly; Committee *negative*, and Bill to be read 3<sup>a</sup> To-morrow.

#### METROPOLIS—PARLIAMENT STREET.

##### QUESTION.

LOD REEDESDALE asked Her Majesty's Government, Whether the buildings in Parliament Street, opposite the new Public Offices, would be taken down before the meeting of Parliament next year, and whether there was any intention of applying to Parliament next Session for power to purchase property in or adjoining Parliament Street, King Street, or Whitehall, for the erection of Public Offices?

THE DUKE OF ST. ALBANS stated, in reply to the first Question of the noble Lord, that the buildings in Parliament Street, opposite to the new Public Offices, would have to be taken down to enable the drainage and the front of the new Offices to be completed, and that they would be removed with that object before Parliament re-assembled. In reply to the second Question, he had been informed that there was no intention to apply to Parliament for power to acquire property south of the new Home and Colonial Offices, for the purpose of erecting Public Offices thereon. The Crown already possessed a large extent of land in the vicinity of the existing public buildings for the erection of Public Offices. The cost of acquiring property was very great, because compensation had to be paid to the occupiers as well as to the owners of the property, and the Crown ought not to incur such an expense as long as it had property of its own suitable for the purpose.

In reply to a further Question by Lord REEDESDALE,

THE EARL OF KIMBERLEY said, that the Government had no intention of applying to Parliament next Session for power to purchase property adjoining the new offices in Parliament Street, King Street, or Whitehall. It was a

question whether any further improvements should be effected at the cost of the Imperial Exchequer or of the Metropolitan Board of Works.

LORD REDESDALE expressed his regret that the improvement of Parliament Street would be only half effected.

House adjourned at half-past Seven o'clock, 'till To-morrow,  
Twelve o'clock.

#### HOUSE OF COMMONS,

*Friday, 1st August, 1873.*

MINUTES.]—PUBLIC BILLS—Committee—Report—Duke of Edinburgh's Annuity [272]; Consolidated Fund (Appropriation) \*. Committees — Report — Considered as amended — Third Reading—Militia Pay Acts Amendment \* [273], and passed. Considered as amended—Third Reading—Gas and Water Works Facilities Act (1870) Amendment \* [252], and passed. Withdrawn — Real Estate Intestacy \* [20]; Threshing Machines \* [270].

The House met at Two of the clock.

#### IRELAND—COUNTY OF LOUTH.

##### QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether, considering the freedom from crime which in the words of Mr. Justice Lawson "places Louth in the first rank as a model county," the Government will any longer retain in that county an extra police force, and exact payment therefor from the payers of county cess, without at least giving them an opportunity of expressing, in some official or authoritative manner, their opinion as to the necessity under existing circumstances of burthening the rates with increased taxation for the maintenance of an extra police force?

MR. BRUCE: Sir, last year the free force of Louth was reduced from 184 to 159 men. The constabulary reported that 174 would be required if the present number of stations were to be maintained, and that 170 was the lowest minimum, after allowing for abolition of some of the stations. The Government communicated with the magistrates,

through the Lord Lieutenant of the county, and pointed out to them that if they wanted to maintain the existing number of stations they should apply for an increase to the county force of 15 men—half the cost to be paid by the county; and that if they did not do so, the Government would be obliged to abolish three stations, it being far better to have a small number of strong police stations than a large number of feeble ones. Twenty magistrates met, and they unanimously decided to apply for 15 extra men, in order to maintain the existing stations. It is to be borne in mind that Louth, although paying for 16 extra men, is in an exceptionally favourable condition, as its present free quota is 43 over the number to which it is entitled, according to area and population. The magistrates are responsible for the peace of the county; and however anxious the Government may be to consult the convenience of the cesspayers, they must be mainly guided by the opinion of the magistrates. If the cesspayers of the county object to the extra police force tax, it is quite competent for them to make a representation to Government upon the subject, and such representation, if made, shall be duly considered.

#### DOMINION OF CANADA—CHARGES OF CORRUPTION IN REFERENCE TO PACIFIC RAILROAD.—QUESTIONS.

SIR CHARLES W. DILKE asked the First Lord of the Treasury, Whether any steps are being taken by Government to ascertain the truth or falsehood of the charges of corruption alleged against the leading Members of the Government of Canada in reference to the Pacific Railroad; and, whether the Treasury will refrain from guaranteeing any portion of the Pacific Railway Loan, under the Canada Loan Act of the present Session, until the charges have been disproved?

MR. GLADSTONE: Perhaps, Sir, the Question of my hon. Friend would be more regularly connected with the Colonial Department in this House, but having made myself acquainted with the particulars of the case—which would not regularly have come under my notice—I am prepared to answer it. These charges, affecting at least some

of the Members of the Government of Canada, are very decidedly within the power of the Legislature of the Dominion. The Canadian Ministers are responsible to their Parliament, and are not in any way responsible to us for their conduct. In the first place, these charges were denied; and in the next instance were placed under investigation. A Committee of the Canadian House of Commons was appointed for the purpose of examining into the charges, and power was given them to examine witnesses on oath; but unfortunately that power, considered to be given by the Canadian Parliament, was given in such a form that it went considerably beyond the power which the Parliament had the right to confer. That being so, it was not within the competency of this Government or of the Crown to advise the Canadian Legislature to make that a competent act. The Committee was therefore, on the advice of the Law Officers, disallowed. It is now for the Canadian Parliament to consider what course they will take, and I imagine they will act upon the principles of public conduct by which I believe they are usually prompted, and will do everything that is right in the matter. In giving this explanation, I wish to say that I was unwilling to be silent when silence might have led to a suspicion of something wrong; but I do not think this is a matter in which it is competent or desirable for us to interfere. The hon. Gentleman may say we are responsible for the guarantee of the Canadian Loan, and that it is out of that, this arises; but that is not a grant to the Pacific Railway Company, or any company whatever. The Loan is granted to the Dominion of Canada, and the condition laid down in the Act of Parliament is not in any measure dependent upon the proceedings of any railway company in Canada, or upon any particular Ministers in the Canadian Legislature. The conditions are laid down in the Act, and in fulfilment of these conditions, on which the guarantee was granted, it will be our duty to go forward with, and give force to, our engagements, quite irrespective of any inquiry instituted in Canada, and which an untoward accident appears to have put a stop to.

SIR CHARLES W. DILKE asked, If the right hon. Gentleman had taken the opinion of the Law Officers of the

Crown on the subject, and if he was clear on the point as to whether the word "may" did not give power to refuse the guarantee?

MR. GLADSTONE: I am not aware whether the opinion of the Law Officers has been taken; but if the hon. Gentleman likes to give Notice of a Question I will answer it.

#### ARMY—ISSUE OF FREE RATIONS. QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether the scheme for the issue of free rations to soldiers has now been matured; and, if he will be so good as to state any changes or modifications of his first proposal which have been decided on, especially as regards the re-engagement penny and stoppages levied on men while on furlough?

MR. CARDWELL: Sir, the scheme has been matured, and has now gone to the Treasury, and will shortly be submitted for the sanction of the Queen. I am, however, able to say that as regards the re-engagement penny, the intention is that it shall continue to be drawn, in addition to the ordinary pay, by all who are in receipt of it under the Warrant of 1867, so long as they continue in the Service. With respect to furlough men, they will receive an allowance of 2*d.* a-day, by which arrangement it is evident that no man in any rank can be a loser, but on the contrary everyone must be a gainer on the year. The charge for the re-engagement penny is at present £53,000 a-year, and is a declining charge. The amount of the Estimate for the present year is therefore half that sum, but being partly balanced by other considerations, the total calculation which I now make for the year exceeds my original calculation by only £11,000, and so far as I can foresee, will not cause any excess on the sum already voted.

#### OFFICERS OF HER MAJESTY'S ARMY— ABOLITION OF PURCHASE. QUESTION.

MAJOR ARBUTHNOT asked the Secretary of State for War, Whether he will be in a position to state, before the close of the Session, the names of the Royal Commissioners appointed to investigate the allegations of Officers of

the Army, relative to injury sustained by them consequent on the abolition of purchase; and, when the said Commissioners will commence their inquiry, and whether any special directions will be given them as to the manner in which such inquiry is to be conducted; or whether it will be open to them to adopt any course which they may think best calculated to enable them to arrive at a proper decision?

**MR. CARDWELL:** As I believe, Sir, we hope to be prorogued on Tuesday, I cannot expect that the Royal Commission can be formed in time for the names to be announced in the House. The Commission will be framed in conformity with the terms of Her Majesty's gracious answer to the Address of the House of Lords, and the Commissioners will, I hope, commence and prosecute their labours without any unnecessary delay.

**ARMY—MAJORS OF THE SCIENTIFIC CORPS (INDIA).—QUESTION.**

**MAJOR ARBUTHNOT** asked the Under Secretary of State for India, Whether the question of the pay of Majors of the Scientific Corps (R.A. and R.E.) in India has been definitely settled; if so, on what basis; and, if not yet decided, what is the position of the question at the present moment?

**MR. GRANT DUFF:** In reply, Sir, to the hon. and gallant Gentleman, I have to say that a despatch on that subject from the Government of India is at present under the consideration of the Secretary of State in Council.

**IRELAND—DRAINAGE OF LAND (IRELAND) ACT, 1863.—DRAINAGE OF THE RIVERS SUCK AND SHANNON. QUESTIONS.**

**MAJOR TRENCH** asked the First Lord of the Treasury, Whether he has received a representation from the Grand Jury of the county of Galway relative to the obstructions which have been placed by the Government in the way of the drainage of the Suck Valley with its 72,000 acres of saturated lands; whether, as First Lord of the Treasury, he endorses the instructions given by their Lordships last month to the Board of Works to prevent the occupiers of the inundated lands in the Valley of the Suck from availing themselves of the

Drainage Act of 1863, an Act specially passed to enable sufferers from inundation and bad drainage to combine for the purpose of protecting and improving their lands; and, whether, having regard to the fact that the Chancellor of the Exchequer will hold out no hope of anything being done to prevent the continuance of the dead lock on the Suck and Shannon, he, as First Minister, will take the matter into his consideration, and suggest what course should be pursued by the sufferers to prevent the Act of 1863 from remaining, as regards their district, a dead letter?

**MR. GLADSTONE,** in reply, said, he had that morning received a representation from the Grand Jury of the County of Galway respecting the drainage of the Suck Valley; but although he had not had time to inform himself of what had been done by the Board of Works, so as to enable himself to offer an opinion on the merits of the case, he might mention that the power of the First Lord of the Treasury to intervene for the purpose of influencing the opinion of the Chancellor of the Exchequer in a purely financial matter was a reserved power, which it was not desirable to call into existence, except on very special occasions; and that it was unnecessary to exercise it in reference to this subject appeared from the fact that his right hon. Friend far from saying he could hold out no hope to the hon. and gallant Member on the subject, having had under consideration the antecedent merits of the question, thought there was a fair case to present to the House on a proper opportunity for some further action on the part of the Government with reference to the drainage of the Valley of the Suck. His right hon. Friend, however, felt the necessity of reserving his own discretion as to the time when such an opportunity might arise.

**MAJOR TRENCH** further asked, whether the right hon. Gentleman was aware that in the meantime the people in the inundated districts were deprived of the fruits of their toil?

**MR. GLADSTONE** said, he was aware great inconvenience must arise from the undrained state of the district, but thought that the rules under which the intervention of the Government was invoked, in regard to local enterprise in this country, were of still greater importance than the consulting of the in-

terests of a particular district, and prevented anything being done precipitately.

MAJOR TRENCH said, the people of this district required no public aid. All they wanted was permission to drain their lands.

MR. GLADSTONE admitted that to be the case, but said, the question was bound up with the drainage of another district which did require public aid.

**NAVY—OFFICERS OF THE NAVY—  
RELATIVE RANK.**

QUESTION.

MR. H. SAMUELSON asked the First Lord of the Admiralty, Whether, after holding Her Majesty's Commission for five years only, provided that their conduct has been satisfactory, Sub-Lieutenants in the Royal Navy are promoted to a rank corresponding with that of Captain in the Army; whether, after a further service of eight years as Lieutenants, naval officers are granted a rank corresponding with that of Major in the Army, thus obtaining a rank corresponding with that of Field Officer in the Army after thirteen years' service as commissioned officers; whether officers of the Royal Marine Artillery do not pass a more difficult examination than their brother-officers in the Navy, with whom they are constantly serving; and whether the former can at present only obtain the same relative rank as is obtainable by the latter after twice as long a time passed in the service; and, whether, if he answers the above questions in the affirmative, he will not place the officers of the Royal Marine Artillery on the same footing as the officers of the Royal Navy with regard to promotion?

MR. SHAW-LEFEVRE: Sir, the relative rank of Naval Officers and Officers of Marines has been so long established that it is known to every Officer in the service. The two services cannot be compared, and I must, therefore, refrain from contrasting the respective advantages of each. It will be impossible to place Officers in the Royal Marines and Officers of the Navy on the same footing as regards promotion; nor is it believed at the Admiralty that Marine Officers are anxious to see the system of promotion by selection, in force for Naval Officers, applied to them in place of promotion by seniority.

*Mr. Gladstone*

**METROPOLIS—SOUTH KENSINGTON  
MUSEUM.—QUESTION.**

LORD ELCHO asked the Vice President of the Council, Whether any, and, if so, what new arrangements have been made as regards Parliamentary responsibility for the South Kensington Museum, and who is the Minister to whom questions should be addressed upon matters connected with it?

MR. W. E. FORSTER: Sir, the Government are in communication with the Trustees of the British Museum in reference to a proposal for the transfer of the South Kensington Museum to their control; but no final settlement has yet been made, and therefore no change has been made in the Parliamentary responsibilities with regard to the South Kensington Museum.

**THE MILITARY SYSTEM OF BELGIUM.  
QUESTION.**

MR. DIMSDALE asked the Under Secretary of State for Foreign Affairs, Whether any information has been received from Her Majesty's Legation at Brussels relative to the proposed changes or alterations in the military system of Belgium, which have for some time formed a topic of public discussion in that country; and, if so, whether such information can be communicated to the House?

VISCOUNT ENFIELD: Sir, we have received at different times information from Her Majesty's Legation at Brussels relative to the contemplated changes in the organization of the Belgian Army, but not in such a form as could be communicated to Parliament.

**ARMY ORGANIZATION—EXCHANGES—  
HON. CAPTAIN DRUMMOND.  
QUESTION.**

LORD ELCHO asked the Secretary of State for War, Why Captain the honourable James Drummond was transferred from the 14th Foot to a vacant troop in the 6th Dragoon Guards in the *Gazette* of the 25th of June last; whether he is aware that this Officer exchanged of his own accord as a Captain from Cavalry to Infantry some years ago, receiving, as was then the custom, a large sum of money for so doing; and, whether he approves of officers who have exchanged to Infantry, and received money for so

doing, being brought back to fill vacancies in the Cavalry?

MR. CARDWELL: Sir, Captain the Hon. James Drummond was transferred from the 14th Foot to a vacant troop in the 6th Dragoon Guards, upon the selection of His Royal Highness the Field Marshal Commanding-in-Chief, with the approval of the Secretary of State, in the manner prescribed by the Royal Warrant. I am aware that this officer exchanged from cavalry to infantry some years ago, when the practice enabled him to obtain money by doing so; and I have no reason to suppose that he omitted to avail himself of his opportunity. The present transfer gives him no pecuniary advantage, inasmuch as if he were to retire from the Army from either commission the Purchase Commissioners would give him exactly the same sum.

**ELEMENTARY EDUCATION ACT—  
BOARD SCHOOLS — THE NATIONAL  
ANTHEM.—QUESTION.**

LORD CLAUD JOHN HAMILTON asked the Vice President of the Council, Whether any instructions have been issued to the Inspectors of Schools in England and Wales directing them to exclude the National Anthem from the list of songs allowed to be sung in Public Elementary Schools on the ground that it contained an appeal to the Almighty?

MR. W. E. FORSTER, in reply, said, a similar Question was addressed to him some time ago, in regard to an Inspector who thought the terms of the Act of Parliament might exclude the National Anthem from the songs permitted to be sung during the time of secular instruction. He stated at the time that he was much surprised at the Inspector having given such an opinion, which he deemed a mistaken one. That statement received public circulation, and the Department thought it unnecessary to do more than communicate it to the particular Inspector who had given the opinion. The noble Lord now said, another Inspector had pronounced a similar opinion, and if that turned out to be actually the case, he also would be informed by the Department that he had made a mistake. He should be loath to issue a general instruction to the Inspectors, because the matter was so very clear; but, nevertheless, if a general instruction were found

to be necessary it should be issued. Perhaps he might prevent the necessity for any further action, if he stated now that it was decidedly the opinion of the Department that the National Anthem was not a song or hymn of such a kind that there could be any objection whatever to its being sung during the secular hour in which the children and the managers ought to be allowed to obey their own loyal instincts. The Committee of Privy Council would not feel it to be their duty to recommend any hymn or song, however excellent; but they could prevent them from being excluded.

LORD CLAUD JOHN HAMILTON said, he received his information from a clergyman who was sitting next the Inspector, and saw him strike out "God save the Queen" from the programme.

MR. W. E. FORSTER: Will the noble Lord give me names and particulars?

LORD CLAUD JOHN HAMILTON replied in the affirmative.

**PARLIAMENT — ORDER OF BUSINESS.  
QUESTION.**

In reply to MR. FAWCETT,

MR. GLADSTONE said, he proposed that the House should meet to-morrow at 12 o'clock, and he hoped the Business would be finished at an early hour. He understood that his hon. Friend the Member for Sheffield (Mr. Mundella) intended on Monday to withdraw his Factories Act Amendment Bill. His hon. Friend had moved the second reading, to which an Amendment had been moved by the hon. Member for Brighton (Mr. Fawcett), who was entitled to speak on the Amendment. The discharge of the Order would be an entirely separate matter. It was the intention of the Government to give his hon. Friend the Member for Sheffield the means of having his Order moved, and then to allow him to move that it be discharged.

MR. FAWCETT said, he did not object that his hon. Friend (Mr. Mundella) should have an opportunity of speaking on his Bill; but he wished to know whether, being an Order of the Day, it would come on before the Motion of the right hon. Gentleman (Sir Charles Adderley) on the Gold Coast?

MR. GLADSTONE said, that at that period of the Session all the arrangements were made at the shortest possible

notice, and no one could tell beforehand the exact rate at which the business would be cleared off. What he hoped was that the right hon. Gentleman (Sir Charles Adderley) would not have to wait until Monday. He might, perhaps, find an opportunity that evening, or, if not, to-morrow.

**MR. J. LOWTHER** said, that a Motion having been made for the second reading of the Factories Act Amendment Bill, and an Amendment having been moved to that Motion, the matter was in the hands of the House. Until that Motion and Amendment were disposed of, the Order could not be discharged without debate.

**MR. GLADSTONE** then moved—

"That the Orders of the Day appointed for the Evening Sitting this day be postponed until after the Notice of Motion relating to the Widows and Families of Civil Servants of the Crown and the three Notices of Motions next following."

**MR. BUTT** complained that he would be prevented from bringing on his Motion on the "treatment of prisoners removed" on the Four Courts Marshalsea (Dublin) Bill, by the arrangement now made.

**MR. GLADSTONE** replied that the right hon. Gentleman (Sir Charles Adderley) would have all the assistance which the Government could give him in bringing on his Motion on the Gold Coast. The hon. and learned Gentleman (Mr. Butt) would suffer no detriment from the arrangement now made. The business of that night might be divided into three categories—first, the Motions which would have been moved in case the Motion for the Adjournment of the House could have been put; then the Orders of the Day; and lastly, the ordinary Motions, in which category the hon. and learned Member's Motion came.

**MR. BUTT** repeated that by the arrangement now proposed, he should be placed in a worse position than before.

In reply to **MR. WHITWELL**,

**MR. BRUCE** said, that many accidents having happened, he had desired the Factory Inspectors to put themselves in communication with the manufacturers of these threshing machines to see whether they could not be fenced off so as to prevent accidents. A Bill—the Threshing Machines Bill—had passed through

the House of Lords, and now stood for a second reading; but unless it met with general acceptance, it could not become law at that period of the Session.

Motion agreed to.

**DUKE OF EDINBURGH'S ANNUITY BILL**  
(*Mr. Bonham-Carter, Mr. Gladstone, Mr. Chancellor of the Exchequer.*)

[**BILL 272.] COMMITTEE.**

Bill considered in Committee.

(In the Committee.)

Clause 1 (Power to Her Majesty to grant an additional annuity of £10,000 to Prince Alfred Ernest Albert for life).

**SIR CHARLES W. DILKE** said, the point to which he wished to call the attention of the House was that the hon. Member for Leicester had dealt with the so-called precedent in 1818, in which three of the Royal Dukes were tied together in the Message from the Crown.

In reply, the right hon. Gentleman denied the statement that there was no precedent for a grant on a Royal Marriage except with reference to the Succession to the Crown, and after alluding to the case of the Duke of Clarence, he proceeded thus—

"But there is another case—namely, that of the Duke of Cambridge, who was the youngest son of George III., and in respect to that Prince, who had £21,000 a-year, an additional £6,000 was voted in 1820 on his marriage."

Now, the fact was the Duke of Cambridge was married in 1818, but that was a mere mistake as to a date, a mistake which he (Sir Charles Dilke) did not wish to make much of. The more material point was, whether the grant made to the Duke of Cambridge had reference to the Succession, and on that point the Message which then came down to the House was clear. It said that—

"After the afflicting calamity which the Prince Regent and the nation have sustained in the loss of his Royal Highness's beloved and only child the Princess Charlotte, his Royal Highness is persuaded that the House of Commons will feel how essential it is to the best interests of the country that his Royal Highness should be enabled to make a suitable provision for such of his Royal brothers as shall have contracted marriage with the consent of the Crown." —[*Hansard, xxxviii. 1.*]

That, then, was a general provision, having regard not to the establishment of a single Royal Duke, but to the Succession to the Crown, and the

*Mr. Gladstone*

cases of the three Royal Dukes were tied together. When the debate came on, Lord Castlereagh, speaking on behalf of the Government, said—

"A single marriage would not satisfy the anxiety of the people on the subject of the succession—though, if those illustrious individuals were less advanced in life, the case would be different. The Prince Regent, sensible of this, had made offers to such of his royal brothers as could reconcile marriage to their feelings. He had done this in the greatest spirit of affection; he had shown no preference to any one of those illustrious individuals beyond the other. He had considered that the people and the Crown had a common interest in the succession, and he had offered for such as should enter upon marriages, with the consent of the Crown, to propose to Parliament to make such a provision for them as would be consistent with public economy."—[*1 Hansard*, xxxviii. 80.]

The whole cases of the Royal Dukes were tied together, and were looked upon as one single case, and he (Sir Charles Dilke) thought he was justified in saying the precedent which the right hon. Gentleman adduced had no existence whatever, and was not a precedent which should have been adduced to the House. He would only add a few words spoken by a Member of that House on a previous occasion—that where a sum of money was to be voted which ought not to be granted, it was almost always proposed at a season like the present, when the House was not well attended. That particular case was on the 28th of June, and this Bill was brought forward on the very same day in July. He begged to ask the Prime Minister, whether, in fact, there was any case which was not part of the single case brought before the House by the single Message in 1818?

MR. GLADSTONE: Sir, I cannot answer the question without expressing my very deep regret that it should have been brought forward. I think it is a thing very much to be lamented that a very limited number indeed of this House find it necessary to place themselves in opposition in so strong and marked a manner to the overwhelming majority of the House—and in this case an overwhelming majority without distinction of party—and that they should feel themselves bound to continue their opposition. There is something like indecency in the pursuance of such a course. Now, Sir, I come to the question itself, and say that if the hon. Gentleman had any complaint to make, his complaint

ought to be against the hon. Member for Leicester. If there was any defective statement it was in the speech of the hon. Member for Leicester. It was the hon. Member for Leicester who referred to the Duke of Clarence, and he said the case of the Duke of Clarence was a case of Succession. My answer was, that when you got down to the Duke of Cambridge, who was the youngest son of George III., if that was a case of Succession, the case of the Duke of Edinburgh, who is the second son of Her present Majesty the Queen, is quite as good a case of Succession. I am very sorry to detain the House, but I must remark that the hon. Gentleman entirely forgets that my contention was, that while the reference was inaccurate—and I made use of the expression untrue, through being inaccurate, because it put forward the case of the Duke of Clarence—I ventured to point out that the whole of the sons of George III. were included, which destroyed the force of the argument, because if the case of the Duke of Cambridge was a case of Succession, the case of the Duke of Edinburgh is also a case of Succession. But I contend that it was wholly irrelevant. We have improved upon the practice of those times. The practice of this country then was to give the full allowance, or nearly the full allowance, to the Royal Princes, whether they were bachelors or married. What has been the case of allowances to unmarried Princes in recent times? Notwithstanding the great wealth and prosperity of the country, they have been kept considerably below the allowances made to the unmarried Princes of that period, and with the view which has been distinctly explained by myself, that a grant upon their marriage should be made. And, therefore, Princes upon marriage now stand in a perfectly different position from that in which they stood in the reign of George III. If we had not shown precedents from the reign of George III. the arguments would remain perfectly good, because the grants made to unmarried Princes had been below the rates which were formerly given, and below the rates which we maintain ought to be given, when they are married, in order to sustain their position in society. So that every case of my hon. Friend entirely breaks down. I contend that precedents do exist; and I contend that if they did

not exist the matter would not be in the slightest degree affected, because we have got into a better system, and instead of that ridiculous method of giving the full income before marriage, we have the principle that the incomes of these Royal Princes ought to be regulated according as they are married or unmarried, and have acted in our proposals to Parliament upon that principle. Then my hon. Friend has descended to pick up an argument in the dearth in which he finds himself, because the proposal was made on the 28th July. Does my hon. Friend think that the sentiment of love is to be controlled in its origin and growth by a regard to the convenience of Parliament. Love is not limited by any season, and I would remind my hon. Friend of the lines—

"Love, free as air, at sight of human ties,  
Spreads his light wings, and in a moment flies."

These things are beyond my control. I have no power to control Princes or anybody else as to the time of year at which they shall allow the invader to occupy their hearts, and to bring to an issue that great question. Beyond that, we have a precedent contrary to the argument of my hon. Friend. The Act passed for the marriage of the Prince of Wales was the first chapter of the Session of 1863. A more unjust charge was never made, or, if not made, insinuated, than that we have been parties to some arrangement for postponing the contract of these illustrious persons in order that we might have the advantage of making our proposals later in the Session. I believe I am not called upon to exculpate myself from a charge which is quite refuted by being stated.

SIR CHARLES W. DILKE merely wished to remind the House, that on the only occasion on which a younger son of the English Royal Family had married the daughter of one of the great Rulers of Europe, the proposal for a grant was made to Parliament after the marriage, and on that occasion, it was stated in the House of Lords by Lord Liverpool, that he hoped no such provision in such a case would ever be made until after the marriage had taken place and the Treaty had been laid upon the Table of the House. That course had not been taken in the present instance.

MR. MUNTZ said, he must enter his strong protest against the language made use of by the Prime Minister. The

right hon. Gentleman had stated that it was indecent on the part of the minority to oppose the grant. But what was the fact? Not only had their forefathers, but the present generation had considered proposals of the sort in the House, and had done so without incurring any imputation of indecency. For his part he thought it indecent to suppose that the Crown did not wish the question to be fully discussed, so that the nation might know what Parliament was doing. What was the case in the year 1840? The right hon. Gentleman knew better than he did that in the month of January, 1840, a discussion took place in that House as to the grant to be allowed to that most estimable man the Prince Consort, whom they had unfortunately lost. The grant proposed by the First Minister of the Crown was £50,000 a-year, and it was opposed, the Opposition being led by Mr. Hume. The Opposition was unsuccessful; but there was no imputation of indecency, or of want of courtesy or loyalty to the Crown, on the part of those who joined in it, and Mr. Hume was followed into the Lobby by 39 hon. Members. What happened then? Why, a hon. and gallant Officer (the late Colonel Sibthorp), sitting on the Opposition Benches, moved the reduction of the grant to £30,000. The Motion was adopted by a large majority, and in that majority he found the name of the present Prime Minister, and also of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), as well as the names of right hon. Gentlemen who sat with the Premier on the Treasury bench. But did the right hon. Gentleman think he was guilty of disloyalty in so voting, or of indecency in so acting? Knowing and appreciating the high qualities of the right hon. Gentleman, he was convinced that he considered he was doing his duty in the course he adopted. Well, hon. Members on either side of the House might differ conscientiously upon these questions in the belief that they were discharging a solemn duty, and it was their right as well as their duty to vote according to that belief. He did not wish to prolong the discussion; he was sorry it had arisen; but he could not help saying that it was the right of hon. Members to discuss any subject which was brought before the House. Speaking simply for himself he claimed for

himself a loyalty not inferior to that of the right hon. Gentleman, and yet last evening he had voted in the minority upon that Bill, because he considered it his duty to do so. He also spoke and voted against another measure, the Crown Estates Bill, which he was sorry the right hon. Gentleman had introduced, not because it extended, but because it tended to injure, the power of the Crown, by interfering with an arrangement which had worked so beneficially. He had risen, not to enter into the general subject, but to vindicate the right of the House to discuss whatever subject was brought before it without incurring a charge of disloyalty.

Mr. GLADSTONE said, he had no fault to find with anything that had fallen from his hon. Friend, with the exception of one word which his hon. Friend had attributed to him. [Mr. MUNRZ : Indecency.] What was the indecency? His hon. Friend founded his speech on the supposition that he had stated it was indecent to express an opinion in reference to this Bill. Why, hon. Members of the House had a perfect right and entire authority to refuse the grant altogether. That right he had never questioned. The allusion complained of had reference to an entirely different matter. His hon. Friend was vindicating the powers of the House of Commons. He, on the other hand, was vindicating the House of Commons against its own minority in certain cases. What he said was to this effect—that for a small minority to place themselves in persistent opposition to an overwhelming majority of the House, and of all sides of it, was to put themselves in a position which was scarcely consistent with decency. His hon. Friend had a perfect right to take a free and unrestricted course with respect to the Bill, and he did not intend to say—and did not say—that that course was indecent. There was a point, he said, at which opposition became indecent; but, as that expression had been objected to, he willingly withdrew it. All he would say was that there came a time when—what should he say?—propriety counselled that there should be a limit to discussions of that kind; and that was when the judgment of the House had been expressed by an overwhelming majority. It should be remembered that these Royal personages had feelings as well

as others, and that there was a point at which those repeated discussions should be brought to a close.

Mr. MACFIE said, he was certain that only one feeling animated alike the bosoms of the minority and the majority of that House—that of loving and intense loyalty to the Crown. He must, however, be allowed to express his regret that the Colonies and other dependencies of the Crown were not represented in that House, in order that, through their Representatives, they might give expression to the loyal feelings which animated them, and the satisfaction with which they would receive intelligence of the auspicious alliance about to be entered into.

Mr. NEWDEGATE: Sir, though I have supported this Bill, I would do nothing to derogate from the rights of a minority. A majority can generally take care of itself, but the rights of the minority ought to be carefully protected. I think that the right hon. Gentleman at the head of the Government the other day spoke with considerable severity of what fell from my hon. Friend the Member for North-east Lancashire (Mr. Holt). My hon. Friend asked the right hon. Gentleman to give him some information with regard to the conditions of the contract. I wish to put a question to the right hon. Gentleman, and it is this—whether this marriage is to be solemnized according to the rites of any other Church than the Church of England? I think there is no undue inquisitiveness in that question.

Mr. GLADSTONE said, he thought he should not be acting consistently with his duty, if he went beyond the point at which he had already taken his stand. He must therefore decline to make any other answer with respect to the details of the proposals than that he had already given. It was no part of the duty of the Sovereign to inform him with respect to them, except within certain limits. He had already made a statement, in reply to an hon. Member opposite, which the House, he thought, considered more particular than it need have been. All he would now say was this—that he was confident the whole arrangements connected with the approaching marriage would give satisfaction to, and receive the warm approval of, the country. Beyond that he must decline to go.

*Clause agreed to.*

Clause 2 (Payment of proportionate part of annuity).

MR. ANDERSON, who disclaimed any idea of offering a factious opposition to the Bill, said, he would move, as an Amendment, to omit the words of the Proviso at the end of the clause, which enabled Her Majesty or her successors, with the consent of Parliament, to revoke or reduce the annuity in the event of His Royal Highness succeeding to any Sovereignty or Principality abroad; and substitute words that in that event the annuity should absolutely cease and determine. It would, he thought, be an invidious task to impose on Her Majesty the determination of the question whether the annuity should be continued in the event contemplated by the clause. By doing so, she would have to decide on the one hand against her own son, and on the other against the wish of Parliament. He thought that it would be a better arrangement if the annuity were absolutely to cease. Still, he would like to have an explanation from the Prime Minister on the subject.

Amendment moved, in page 2, line 8, to leave out all after "abroad," and insert "the said annuity, as well as the annuity heretofore granted by Parliament shall cease and determine."—(Mr. Anderson.)

MR. GREGORY ventured to differ entirely from the hon. Member for Glasgow. He doubted the propriety of inserting such a Proviso as that. A Proviso of that kind might have been inserted in the original dotation to His Royal Highness the Prince Consort; but in a treaty for the marriage of the Prince, where a provision was made not only for the Prince himself, but for the family they might hope would come after him—the country being placed in *locus parentis*—such a Proviso would be wholly out of place. What the House did, it should do freely, voluntarily, ungrudgingly, and with the conviction that what was freely granted would be spent judiciously. Considering the great hopes which the marriage in question were likely to realize, he thought it would not be well to couple the grant with any reservation, and he thought therefore that the existing limitation in the clause might be omitted entirely.

MR. GLADSTONE said, he could assure his hon. Friend the Member for

Glasgow (Mr. Anderson) that he would hear no reproach from him for making such a Motion, for his hon. Friend was acting not only within his right, but according to the propriety of Parliament, in moving such Amendments in the details of the Bill as he thought were called for. He could not agree with the hon. Gentleman who had just sat down that there was no room for such a Proviso. What was it that the Proviso really did? In case the Duke of Edinburgh in the course of nature should succeed to a Principality abroad, which would have its own revenues and general condition of existence, his position would be so materially altered from the simple position of a junior Member of the British Royal Family, that it would not be wise to prescribe beforehand what might or might not be done. It would be more wise to reserve power to do what circumstances might seem to call for. They had felt it their duty to Parliament and the people of this country to keep the matter open, subject to the usual working of the constitution in questions of this kind. In the illustrious case of the King of the Belgians, who received an absolute annuity for life of £50,000 a-year when he ceased to be connected with this country, no such provision was made, and it was felt that there was an incongruity in his continuing to draw so very large an annuity from the taxes of the people of England, especially when a new marriage was contracted which gave him a distinct place in a foreign country. His conduct was in conformity with all that had made him illustrious in Europe during his own time; by his own act he voluntarily relinquished the grant, and paid back the whole amount into the Exchequer, less the sum required to keep the house and grounds at Claremont in good order. But though that might be a generous act on the part of the King of the Belgians, it was, in truth, a testimony that the power should have been reserved to provide for such an event. It was not, therefore, unreasonable to insert this Proviso—a power, no doubt, to be used with moderation, with reason, and with liberality. His hon. Friend the Member for Glasgow said that annuity ought to cease and determine altogether on the succession of His Royal Highness to a foreign Principality. Now, he ventured to dispute that with his hon. Friend, and he would

observe that though in the course of time the Duke of Edinburgh might become a foreign Sovereign, he would not therefore cease to be an English Prince. He would still continue to have family relationship and household connections to maintain. His visits would be frequent, if his stay was not long, and it would not be possible to treat him as entirely cut off from his own country. The grant might in that case, therefore, be modified; but it could not be extinguished. There was, however, a fair amount of reason for the proposal which had been made by his hon. Friend, and he would say that discussion on such subjects within fair limits was desirable. The second Amendment of his hon. Friend was, that the jointure provided for the Grand Duchess should only accrue in case the Duke of Edinburgh died before his accession to a foreign Principality. In the case of the Prince of Wales, where the grant was £50,000 a-year, the jointure was fixed at £30,000. But in this case, where the grant was fixed at £25,000, the jointure of the Princess, in the event of her becoming a widow, was only £6,000. Now, looking to the small proportion which this jointure bore to the Parliamentary income to be given to the Prince, he thought it was so moderate and reasonable that probably his hon. Friend would not think it necessary to take the sense of the Committee on the subject.

MR. ANDERSON said, he understood that the grant would be reduced, but would not terminate on the accession of the Duke to a foreign Principality. ["No, no!"] Was not that so?

MR. GLADSTONE said, he did not venture to point out what would occur. What he said was, that it might be reasonable to reserve the power given in the Proviso; but, on the other hand, it would not be reasonable to provide for the extinction of the annuity. He did not prejudge the case. There should be a full and ample reservation of the course which Parliament might pursue.

MR. BECKETT-DENISON thought it would be a most unreasonable condition to attach to this annuity, that if His Royal Highness succeeded to a foreign Principality it should cease and determine without reference to the circumstances of the case. He would venture to remind the House that the Royal Duke in question was not allotted a larger sum than would

be received by the son of anyone not the reigning Sovereign. He hoped, therefore, after the ample discussion which the question had undergone, the Amendment would be withdrawn.

MR. ANDERSON said, he was content to leave the matter on the footing on which it had been placed by the right hon. Gentleman, and he should therefore withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause agreed to.

Remaining clauses agreed to.

House resumed.

Bill reported, without Amendment; to be read the third time To-morrow.

#### CONSOLIDATED FUND (APPROPRIATION) BILL.

(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

#### C O M M I T T E E .

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BUTT asked the First Lord of the Treasury, upon what grounds the Lords Commissioners of Her Majesty's Treasury had declined to comply with the recommendations of the Trustees of the British Museum, for an addition to the salaries of the officers and assistants in that Establishment; and, whether it was the intention of the Lords' Commissioners to re-consider the request of those officers and assistants for a re-adjustment of their salaries? There had been no rise in wages since 1837, although not only had the price of provisions been much augmented, but the duties of the several officers had been largely increased. Various meetings, attended by the Archbishop of Canterbury, Lord Sydney, Lord Derby, Mr. Walpole, Lord Eversley, and others, had recommended an increase of the wages; but the increase had been refused, and he would urge that a recommendation to which they had pledged their character was not one that ought to be lightly disregarded. The Treasury had, however, expressed their regret that they were unable to accede to the application. What the officers asked for was an increase proportionate to that of other Departments, and he hoped that in that, as in the other cases recently brought

forward, a satisfactory assurance would be given by the Government.

SIR JOHN LUBBOCK wished to say a few words in support of the hon. and learned Member. Looking at the salaries paid in other Departments, there was very great force in the recommendation of the Trustees. Considering the great value of the British Museum Collection, it was of the utmost importance to the country that it should be superintended by gentlemen of the highest attainments in Science and Art. The collections, moreover, had been greatly enlarged during the last few years, without any corresponding increase in the staff.

MR. LOCKE complained of the abruptness of the answer given by the Treasury to the Trustees. No reason was assigned why the salaries should not be increased; and, if there were any reason, he hoped it would now be given.

THE CHANCELLOR OF THE EXCHEQUER said, the terms of the answer of the Treasury to the Trustees of the British Museum had been misunderstood, as it was certainly not intended to show any want of respect or consideration towards them. He himself had the honour of being one of the Trustees of the British Museum, and nothing was farther from his thoughts than to treat that body of gentlemen with anything like disrespect. There was, however, no use in arguing upon the terms of the letter, and he would come to the merits of the question. It was quite a mistake to suppose there was nothing to say because so little was said. The matter underwent very careful and elaborate consideration at the Treasury before the answer was returned. The Trustees, however, asked the Treasury to do for the Museum what they had not done for any other office under the Crown—namely, to raise the salaries of all persons employed in the establishment, from the principal librarian down to the messengers with one exception. That was a course which the Treasury had never yet followed in any case. They had always professed themselves perfectly ready to listen to any complaints of inadequacy of salaries, taking each class of cases by themselves, and investigating them carefully; but they had always set their face against acceding to a proposal for raising the salaries of a whole department *en bloc*, and for one very suffi-

cient reason—namely, that there was no public Department so constituted that all persons employed therein were equally ill-paid. He thought the Trustees had given themselves an unnecessary amount of trouble, and that they had been led into an error in the manner in which they conducted this case; and that if they had considered the matter more they would have seen that the course they recommended was extremely undesirable, because they avowed their opinion not only that everybody almost was entitled to an increase of salary, but they stated the exact amount of salary to which they thought everybody was entitled. This they did with the great authority which naturally attached to their name, without consulting in any way previously that Department of the Government which was answerable for this expenditure. He was quite sure there was no such intention on the part of the Trustees; but by thus acting they placed the Government in this position—that if they refused or altered any of these things, every single person who found the Trustees had recommended him to a particular salary, or increment that he did not get, would consider he had a grievance. Such a mode of proceeding placed an undue difficulty in the way of the Treasury discharging their duty. Again, the arguments adduced by the Trustees did not altogether produce conviction in his mind. For instance, they said some of their best men were from time to time enticed away into other employments. Well, he believed that would always be the case in the British Museum even if the salaries were considerably raised. People employed there not only conducted the business of the establishment, but had extraordinary opportunities for acquiring knowledge which was extremely valuable to themselves and to other persons. The feeling of the country was running very strongly in favour of physical science, especially of those sciences that depended upon observation—such, for instance, as Natural History and Geology. There were institutions of all kinds growing up where men who were capable of giving instruction in those subjects were very much wanted. The result was a competition for persons possessed of such acquirements, and the men were naturally sought for at the British Museum. Indeed, one of the inducements to persons

to enter the Museum was that they were placed in a position where their talents and industry were sure to be known and appreciated. Therefore, the notion that they were to raise salaries with the object of competing with the public outside was a delusion. It was impossible for the Treasury in these things to compete with the wants of the public generally. Then it must be considered that the salaries at the British Museum were confessedly lower than in the Civil Service, and for obvious reasons. In the first place, instead of the drudgery of a clerk in an ordinary office, of the driest and most repulsive nature, very often spending whole days poring over figures, or transcribing, or indexing, these public servants were employed in a manner most delightful—that was, they were generally men of decided tastes for particular branches of science and learning, and they spent their time in a treasure house in which objects of art and antiquarian interest and books on every subject were collected together. They had the further advantage of a social position somewhat higher than that of officials holding corresponding places in the Civil Service. It had always been assumed, therefore, that it was not necessary to give salaries quite on the scale of the other offices. Moreover, the proposal of the Trustees was of the most sweeping description, inasmuch as it would give an increase of salaries all through the establishment from the top to the bottom, the superintendent of the Natural History Collection being the only officer who was not recommended for a rise of salary. A few years ago, it should be borne in mind, the Blacas Collection was purchased for £48,000, and since he had been Chancellor of the Exchequer the Castellani Collections had been secured, one of them at a cost of no less than £27,000. Now, the British Museum must not altogether expect to light the candle at both ends, and when the Government were spending large sums in enriching the collections, it was not a proper time for pressing for a general and sweeping rise of salaries. Such were the considerations he begged to submit to the House in order to justify the Treasury in declining to accede to the proposal of the Trustees of the British Museum for a general rise of salaries in the direction marked out by them. He did not think a case had

been made out for raising the salary of the secretary and principal librarian, Mr. Winter Jones, who could hardly consider himself ill-paid if he received the same salary as his excellent and deserving predecessor, Sir Antonio Panizzi. He must repeat that the Treasury were always ready to consider recommendations made to them as regarded individual cases or classes of officers. If the Trustees would give up the notion of a general and sweeping rise, and, above all, if they would make a communication to the Treasury in such a way that it would not be known to everybody in the Museum, so as to raise hopes and expectations which might not be gratified, the Treasury would carefully consider their proposals. In conclusion, he might remark that there was one other consideration which ought not to be left out of sight by the Trustees—that was, that the British Museum formed an exception to the general rule laid down by Parliament for the public service. The Trustees had declined to accede to the suggestion of the Government, to allow such places as the principle could be properly applied to, to be open to public competition. It was not unreasonable to ask those who wanted them to increase the salaries not only of the present officials, but of those coming after them, to show a willingness to adopt competition as being, in the opinion of Parliament, the best means of securing the services of the most efficient persons.

SIR FRANCIS GOLDSMID said, it followed that if some valuable collections had been added to the Museum, additional trouble was imposed upon the employés, and formed an argument for and not against raising their salaries. He was therefore glad to find that the Chancellor of the Exchequer did not discourage the Trustees from making to him some modified proposal for the better remuneration of the officials employed in that institution.

*Bill considered in Committee, and reported, without Amendment; to be read the third time To-morrow.*

#### EAST INDIA REVENUE ACCOUNTS. COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [31st July], "That Mr. Speaker

do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present constitution of the Government of India fails to secure an efficient or economical management of its finances, and that this House views with apprehension the state of local taxation in that Country, and is of opinion that its financial condition must be regarded as unsatisfactory so long as the Income Tax forms its only financial reserve,"—(Mr. Fawcett.)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. W. M. TORRENS said, that taking the statement that had been made by the hon. Gentleman the Under Secretary of State for India for granted, the financial prospect was not re-assuring:—in an Empire so vast we were subject to many unforeseen contingencies, and no margin had been left for emergencies that might any day arise. Our Indian Empire was just able to carry on without getting into debt, and without any provision or resource in case of trouble or calamity except the obvious plan of borrowing or the re-imposition of the Income Tax, which was ill suited to India, and had caused the greatest dissatisfaction, and he must express his satisfaction that the new Governor General had seen his way to relieving the Natives from this tax. He had more than once called attention to the grievances which existed between the Native Princes and the Supreme Government; it was therefore satisfactory to observe that these relations appeared to be improving, and he felt convinced that a more generous, considerate, and conciliatory treatment of the Native Rulers would pay in the end. He wished to acknowledge the improvement that had been made in the financial accounts with the Native States, which were much more clear than heretofore; and he was glad to find an admission that £52,000 was to be credited as a balance to the Nawab Nazim of Bengal, and that last year there was a similar balance of £55,000. There remained a balance of £50,000 or £55,000 to be carried to the fund for the use and benefit of the Principality. Sir John Kaye put these accumulations at £150,000; but it was desi-

rable that whatever was really due as accumulations should be carried to the benefit of the Principality. He passed now to general and more important considerations. The hon. Member for Brighton (Mr. Fawcett), in his able statement yesterday, approached this subject from an Indian point of view, pleading eloquently and earnestly on behalf of those who were not represented in this House. He (Mr. Torrens) wished to deal with it from the Home point of view, and consider it in the interest of the British taxpayer, whose interests were deeply involved in the financial prosperity of our Indian Empire. In taking over from the Company this magnificent estate, to hold with the rest of the Empire, we were bound to watch the growth of expenditure; because we could not but feel that, if ever there came a time when India could not pay her way, England could never shelter herself under a plea of limited liability, but would have to make up the deficiency. We could not fall back upon over-taxed India. It was said that the value of Indian securities was greater now than had been the case under the Company. The reason was clear—India remained the same, but there was added the additional security afforded by the Queen's Government. If, however, during a period of political fine weather, the Secretary of State for India could only show a bare financial equilibrium, with nothing to spare, what would happen at a time of disturbance in India or troubles in Europe which might affect the peace of the East? There was good reason for falling back under such circumstances upon the warnings of the late Governor General and Commander-in-Chief, which hitherto had not had the effect of producing any material reduction of expenditure. No material retrenchment was made or promised in military expenditure, and we were dependent upon poppyheads for one main branch of revenue. It was the duty of the House to provide, as far as possible, for a better state of things. Enormous sums had been spent upon military and commercial railways; but the military railways were not completed and the commercial did not pay. The interest upon these unprofitable works went into the pockets of British stockholders, and the House of Commons was bound to see that the construction of railways in India did not

become a burden upon the Indian people. In the same way the Indian debt was held mainly by Europeans. These questions were generally discussed at a time when Parliament was out of town. The Members now present were a poor remnant of the House, and he hoped no hon. Gentleman would be unkind enough to take steps to ascertain how many were present. The fact was that England was adding to its wealth by a percentage upon expenditure in India which the work executed did not return. Turning now to the question of local taxation, he understood the Under Secretary of State to say last night that the incidence of local taxation in our Indian Empire was a question of insignificant item, because it was levied on such an enormous population. But Parliament was bound to see that taxes were not levied oppressively upon the poorer part of the people of India; and he could not help reminding the Under Secretary that the number of the people and the average of the tax per head had no more to do in showing the incidence of taxation than the average length of the spinal column or the average length of the noses of the people. Remembering the value of property in India compared with the value of property in this country, and bearing in mind also that the whole earnings of India only amounted to from £250,000,000 to £300,000,000, while those of England amounted to £900,000,000, it was absurd to compare the amount of taxation paid per head by the people of the two countries. If the true measure of taxation were the capacity of the thing taxed then the people of India, in their poverty, paid twice as much as did the people of England. A very suggestive piece of evidence was given before the Committee upstairs by Lord Lawrence, who was so justly regarded, not only by the Under Secretary, but by hon. Gentlemen on both sides of the House, as the very highest authority on the subject. He was asked by a member of the Committee—"In case the revenue should fall short, is there any existing tax you know of which can be increased with safety to the State?" His reply was—"I know of none." Then he was asked—"Is there any new tax that could, in your opinion, be levied?" and he replied—"I am not aware of any." We were therefore in this position—that

the richest country in the world, having taken over a great Empire from an independent Company which had managed its affairs satisfactorily, saw it now burdened as heavily as it was possible to bear. Was that, he asked, a creditable state of things? In this state of things it was most desirable and expedient—it had become the bounden and indispensable duty of the Government of India—to cut down the gigantic expenditure which now existed, and to free the taxpayers from the oppressive burdens which were now laid on them. No great political question now agitated the Indian Empire; but how long might that state of things continue? It would be mere affectation to pretend that there existed no smothered griefs and grievances capable at any moment of becoming pestilent sources of embarrassment. It was the duty of the House of Commons not to wait until serious difficulties arose, but to warn the Government in time, so that they might take preventive and remedial measures. The present discussion was therefore likely to be beneficial. The Treasury did not like to be overhauled, but investigation had led to good results. The Colonial Office had been brought to book with a like effect. It could not but be attended with satisfactory results that the authorities at the India Office should hear the opinions of the House of Commons freely expressed. This Session that House had been surprised by receiving a Bill from the House of Lords, by which the Lords declared themselves weary of their jurisdiction in the matter of appeals, and they accordingly divested themselves of their ancient powers which were to be committed henceforth to a new Court of Appeal. Coerced by that expression of opinion on the part of the other House, he had voted for the second reading of the Bill; but he was very sorry the other House should have thought it necessary to deprive themselves of their ancient powers; but that being so, they were, in his opinion, more bound than ever to do all they could in other ways to exercise their combined efforts for the benefit of the people of India. In the House of Lords there sat ex-Governor Generals of India, ex-Commanders-in-Chief, and others long intimately connected with that country. Here, then, were the materials of a tribunal of which they should avail them.

selves for the benefit of India. Why should they not act together, as by a Joint Committee between the two Houses coming together from time to time, in the consideration of difficult questions affecting the welfare of India? He merely threw this out as a suggestion. Parliament was responsible to the Sovereign, to the people of India, and to the people of this country for knowing how India was governed, and no mere neglect or evasion of that duty would exonerate them from it; and they should provide some means by which their best men could be brought together to consider questions of great and perhaps perilous importance which might arise in India. He thanked the House for the attention with which they had listened to the few observations he had felt it his duty to make, and he would conclude by repeating that in discussing Indian matters they should keep steadily in view their primary duty—while sustaining the executive Government to take care that they were not left uninformed of the financial conditions and prospects of that country.

MR. BOURKE said, that he should not have addressed the House but for some observations that fell from the hon. Member for Brighton (Mr. Fawcett) in his speech last night; he hoped, therefore, the House would extend its indulgence to him in his endeavour to answer them. Although he dissented in great measure from many of the hon. Member's opinions, still he could not but think that in his vigorous denunciations of extravagance in the Government of India, he was doing good service to the State; and every one connected with the Government of India should hail him as a most valuable ally. He believed that the Government of India must look upon these denunciations as most valuable to them; because the Government of India was such a vast machine that it was impossible that the Executive could know everything that was going on in different parts of the Empire; and the more extravagance and abuse were brought to light, the more chance the Government of India would have of governing in a manner that would be satisfactory to themselves and to the country. He also thought, however, that when the hon. Gentleman took such interest in the Government of India, and made such long speeches

upon the matter, he should be very careful to sift what was sound from what was unsound. He did not wish in any way to detract from the merit of the hon. Member; but still he must say that he thought he was a little hard last night on the Government of India to represent the remission of taxation which had taken place to the extent of £6,000,000 as entirely owing to the agitation which he had inaugurated three or four years ago. No doubt it was a great advantage to have public opinion directed to Indian matters; but he could not help thinking that those who were engaged in the Government of India were influenced by much higher motives. They felt it to be their duty to leave no stone unturned and no effort unexerted to bring the expenditure of India within the revenue. He would leave many of the observations of the hon. Member upon the general policy pursued in India to be replied to by some Member of the Government. He believed that most of those observations could be satisfactorily answered, certainly those with regard to cash balances and public lands. He agreed with him that India was a very poor country, and that it was almost impossible to institute any analogy between the incidence of taxation there and in this country. He thought that the Under Secretary of State for India had put the matter much higher than he might have done when he said that the taxation in India amounted to 3s. 7*½*d. per head; because in making that estimate, he took into consideration the whole of the taxation of the country, whilst £30,000,000 of it was really not taxation at all, but was derived from land revenue, opium, and two or three other items. [MR. GRANT DUKE observed that he had included the land revenue, but not the opium revenue.] He thought that the hon. Gentleman had understated the case. On the other hand, he could not agree with the hon. Member for Brighton when he said that the income tax was the only reserve which India possessed. He would be sorry to imagine a change of circumstances in India which would make the income tax its only reserve. Many taxes had been mentioned as likely to suit the wants of the people of India, and to fall upon them with less severity than the income tax; but he believed it would be unnecessary, unless some great

disaster should happen, that any increase should be made in the taxation of the country. The real reform we must look for was in a reduction of expenditure, and he had himself on two or three occasions that Session brought the subject before the House. The hon. Member for the City of London (Mr. Crawford) was directly interested in the railways of India; the railway over which he presided had reduced its rates to the very lowest point; others were in the same position; and he looked forward with considerable hopefulness to a large reduction in the enormous amount the taxpayers were obliged to pay on account of railways, which was nearly £2,000,000 altogether. It was said that we had made them too expensively; but, having made them, we must do the best we could with them. Although the passenger traffic was increasing, the goods traffic was not increasing appreciably, and that was a point well worth consideration. He came now to what was the real cause of his addressing the House, and that was the attack which had been made on what the hon. Member called the "scheme of decentralization," though its proper name would have been the "provincial service scheme." He thanked the hon. Member sincerely for the way in which he had spoken of the late Viceroy, whose public acts were of course open to the severest criticism; but he complained of the hon. Member saying that the decentralization scheme of Lord Mayo was answerable for the prominence of late years of the question of local taxation, because that scheme involved an expenditure so large that they had to resort to expedients to meet it. Now, what was the system which had been so denounced? Though there were under it large powers given to local bodies over local taxation, it was not the fact, as the hon. Member seemed to suppose, that local taxation had its foundation and origin in 1870; and, indeed, nothing could be farther from the real state of the case. Money had been levied for years by local bodies, and there was hardly anything over which local governments could not exercise powers of taxation; whilst at the same time they could not control the expenditure in any way whatever. That was the evil aimed at by the policy of 1870, and it was a policy that was by no means new. The hon. Member for

Orkney (Mr. Laing) was almost the first to speak in high terms of operations of the kind; and the right hon. Member for Tiverton (Mr. Massey) bore similar testimony. Until 1870, however, such a scheme was never put into practice, though it had been advised. Now how was that scheme put into practice? In 1870, the income tax was very high, and it was thought very desirable by the Governor General to take steps to remedy a financial policy which was so unsatisfactory. The plan he proposed was that, in order to remove a large amount of income tax he should carry the matter out through local governments, by adopting such methods of taxation as would be most suitable for each province and least embarrassing to the people. Then certain sources of taxation were delivered over to local bodies to provide for certain services, and local taxation was to be raised to supply the deficiency. When this was called "decentralization" it should be borne in mind that no control was given up, and there were the greatest safeguards that local bodies should not exceed their powers. What the Government said was—

"In sharing with the local Governments a portion of the control which it now exercises, the Supreme Government gives nothing that can be retained with advantage to Imperial interests. On the contrary, it will associate with itself an authority by whose assistance the administration can be made more efficient."

The difficulties were not ignored, for it was said—

The Governor General in Council is aware of the difficulties which surround the practical adoption of these principles in India. But they are not insurmountable. Serious obstacles will have to be overcome, and much prejudice, ignorance, and suspicion encountered. Disappointments and partial failures are certain to occur; but when the object in view is the instruction of many peoples and races in a good system of administration, his Excellency in Council is fully convinced that the local Governors and all their subordinates will not be slow to take every opportunity of enlisting in the great work of general improvement the active assistance, and, at all events, the sympathy, of many classes who have hitherto taken little or no part in the work of social and material advancement."

That was the principle upon which the scheme of provincial service was established, and, so far from its operation having increased the burden of taxation, it had effected economy by giving the local Governments inducement to pro-

mote it. Notwithstanding the denunciations of the hon. Member for Brighton, he should be able to show that the scheme had been eminently successful, Sir Richard Temple, in his financial statement for this year, said—

"During the current year a circular was addressed to the local Governments, asking opinions as to the working of the system of provincial services; and the replies are unanimously and strongly in favour of the system. Improvements, both in efficiency and economy, and abridgment of labour, are attributed to it by all the authorities consulted."

Further, he showed that the burdens of the people had been lessened and not increased, because the whole amount levied under the new system was £212,000, and the allotments of the Supreme Government to the local governments were £320,000 less than in the preceding year. While Sir Richard Temple said the answers of the local governments to the inquiries addressed to them were satisfactory, Sir George Campbell, Lieutenant Governor of Bengal, in one of the most interesting documents connected with the administration of India ever produced, after discussing the two courses that were open—the increase of taxation, or the reduction of expenditure—said—

"Before leaving this subject the Lieutenant Governor would ask to be allowed to submit his humble testimony to the wisdom and the practical efficiency of the system of provincial finance inaugurated by the Government of the late Earl of Mayo. It seems to him that for a beginning it went quite far enough and not too far; that it has most successfully supplied a motive to economy and method which has taken full effect; that it has immensely diminished the friction between the Supreme and subordinate Governments to which the finance of the civil departments continually gave rise; and that has enabled the local Governments to mould and shape the departmental establishments and expenses with a view to their efficiency and their adaptation to local requirements in a way which was impossible under the old system. The experiment has been, the Lieutenant Governor ventures to say, a complete and unalloyed success."

The result was that, instead of producing greater taxation, economy resulted from their being able to make both ends meet. It would be a great misfortune, therefore, for the people of India if, in consequence of the remarks of the hon. Member for Brighton, anything should occur to prevent that experiment from being carried out still further. The first step was not intended to be a final

one, and many improvements were necessary in order to carry out the scheme to its ultimate end. No doubt the present Viceroy of India was impressed with that feeling, and that he would introduce modifications such as the late Lord Mayo had intended to introduce; and in that case, he might look to that House to uphold him in that policy. In conclusion, he expressed a hope that the House would not concur in the views of the hon. Member for Brighton.

SIR WILFRID LAWSON said, he had had the good fortune to be present at the annual duel which took place between the Under Secretary of State for India and the hon. Member for Brighton; but he could hardly make up his mind to decide between the gloomy statement of the hon. Member for Brighton and the bright description of the Under Secretary for India, who would wish them to believe that India was an earthly paradise. The latter hon. Gentleman appeared to attribute that glowing state of affairs to economy, opium, and Providence. [MR. GRANT DUFF said, he only mentioned economy, and opium.] As the hon. Gentleman excluded Providence, it was satisfactory to hear that the other agencies were at work for good, and that they were approaching the happy state that had been described. It should not be forgotten, however, that there were other great nations in the world besides England and India, and that we ought to have some regard for the happiness and welfare of neighbouring countries. Instead of that, we poisoned them with opium. He complained that it was disgraceful to this country to force opium upon China—a traffic which in its effects had been described as worse than the Slave Trade. How, he asked, should we like it, if the Chinese were able, by maintaining larger armies, to insist on carrying on a trade with us in some injurious drug, which our Government strongly objected to being introduced into the country. Our influence abroad was damaged in consequence of the extraordinary course which we had pursued with reference to this matter, and yet when we had succeeded in pauperizing large numbers of the Chinese the Under Secretary of State rose in his place, and thanked Providence because the people of that country were becoming even more demoralized than hitherto. His right hon. Friend the Member for

Oxfordshire (Mr. Henley) might, perhaps, say the opium revenue in India was not worse than the spirit revenue in England. Well, for his part, he did not think it was so bad ; for, as the late Sir Benjamin Brodie remarked, an opium eater was useless but not mischievous, whereas a spirit-drinker was both useless and mischievous. He very often admired the masterly statements made by his hon. Friend the Member for Brighton with respect to the affairs and Government of India, and he thought the hon. Member ought to speak out boldly, and say whether he thought it was right to raise a revenue from opium. Not many Sessions ago he (Sir Wilfrid Lawson) moved a Resolution condemnatory of the system of raising a great part of the Revenue of India by a tax on opium. The Government thereupon moved the Previous Question, which was always a slippery way of getting out of a question. The Prime Minister on that occasion said, that the Government would inquire into the subject. He would shortly give the House another opportunity of deciding whether it was right to raise our Indian Revenue by that means, when he trusted the House would agree with him in condemning that cruel and inhuman method of raising revenue, which was unworthy of being supported by the Parliament of a great, humane, and generous people.

MR. R. N. FOWLER said, he had supported the hon. Baronet's Motion for three years, and if he had the opportunity, he should do so when it was again brought under the notice of the House. One of the reasons why India had been transferred from the old Company to the Government was, because of the scandal of the opium trade, and yet nothing had been done in that respect, and whatever had been the sins of the old Company in encouraging the opium trade, the sins of the House of Commons had been three times greater. The subject was one that greatly interested the English people ; for if they decided on stopping it, they must consider how far they would be prepared to assist the Revenues of India. He could not agree with the hon. Member for Brighton, and deal with opium revenue as a financial question on account of its doubtful source. If China were to cultivate opium, there would be the risk of losing it, in which case India would have a deficit instead of a surplus.

They should bear in mind how precarious that source of revenue was, and consider how unwise it was to build all our financial arrangements in India upon such a basis. The salt tax of India was one also that pressed very heavily upon the poor of that country, and it was an unsound principle to tax the ordinary and common necessities of life. The income tax was not suited to India, and he rejoiced that Lord Northbrook appeared disposed to put an end to it. It was not advisable to persevere in the imposition of a tax against public feeling, but when they yielded to the feelings of the higher classes of India with reference to a particular tax, it would be unfortunate to be compelled to retain one like that on salt, which materially affected the poor. As the sources of taxation were very limited in that country, he thought that the only thing they could do was to see whether they could not make some reduction in the expenditure, and he was of opinion that it would be well for them to consider whether they might not with safety diminish the Native Army. The Native Army consisted of 120,000 men ; and the question which he wished to submit to the Government was, whether such a large force was necessary. He thought a considerable reduction might be made with perfect safety, especially in the case of Madras, where there were 27,000 men. He thanked the hon. Member for Brighton for having so forcibly brought his views under the notice of the House, and he believed that the devotion which he had shown to their interests would prove to be most advantageous to the vast population of India.

SIR CHARLES WINGFIELD said, that although agreeing with much of the powerful speech of the hon. Member for Brighton, he yet regretted that that hon. Gentleman had placed his Amendment on the Paper. After the House had appointed a Committee to consider the whole subject of Indian Finance the hon. Member could hardly expect that before the Report of the Committee was complete, the House would pronounce an opinion on controverted questions, and affirm the Resolutions which he had put on the Paper. Nobody who had any hand in framing the scheme of local taxation to which reference had been made, had yet been examined before the Committee in its defence ; and it would

therefore be more judicious not to pronounce a judgment upon it until the other side of the case had been heard. He thought the hon. Member for Brighton had drawn too dark a picture of the state of India and the conduct of the Government. If our government of that country had been so bad as the hon. Member had described, it was doubtful whether even so patient a people as the inhabitants of India would have sat quiet so long under such a rule. He could not be accused of flattering the Government of India, various of whose measures of late years he had condemned; but it was impossible for any one who had long been concerned in the civil administration of India, and who had studied its history and condition in times before it came under British sway, not to be convinced of the great benefits which our rule had conferred on that country and its people. The native Press of India was not slow to recognize the advantages of English rule; for while frankly owning that foreign rule was not in itself a desirable thing, and while charging our Government with many shortcomings, yet it admitted the great benefits it conferred, and declared that if a struggle should arise between England and Russia, it would be the duty of the Natives heartily to support England. He did not regard with unalloyed satisfaction the discontinuance of the income tax. That tax, if it applied to very low incomes was objectionable, but it afforded a means of bringing under contribution the moneyed and trading classes, who would not otherwise bear their fair share of the burdens of the State, and he thought that if it had been restricted to incomes of £150 a-year and upwards, the tax would have been paid cheerfully. If they should require in any emergency to increase the revenue of India to any considerable extent, it could only be done by taxing the rich, and the rich could only be reached by an income tax. In his opinion, however, the question of the income tax shrunk into insignificance when compared with the greater question of local taxation. The hon. Member for Brighton had correctly represented his (Sir Charles Wingfield's) evidence before the Committee. In his instructions for the settlement of the land revenue of Oude 12 years ago, under the authority of Lord Canning, he distinctly

said that the cesses in addition to the land revenue proper should be  $2\frac{1}{2}$  per cent, and he gave the people an assurance that those cesses should not be increased during the period of the settlement. Notwithstanding that fact, an Act was, two or three years ago, passed by the Legislative Council doubling those cesses. In that manner faith had been broken with the landholders not only in Oude, but in the Punjab also. He deprecated the attempt to push on public improvements too far. Rapid progress meant increased taxation, and increased taxation meant discontent. The Under Secretary, in alluding to the recent decrease in expenditure, forgot to state that it was accounted for to a great extent by a decreased expenditure on public works. He entirely concurred with the hon. Member (Mr. Fawcett) that Madras and Bombay should be administered by Lieutenant Governors instead of by Governors, and one advantage of the arrangement would be that you would then get rid of the expense of Councils and of Commands in Chief at these Presidencies. He opposed any legislation which was at variance with the traditions and habits of the people. But it sometimes happened that upon the Council there were two or three doctrinaires who favoured such legislation, and that showed the necessity of a Secretary of State with a controlling power in England. No real disposition had been shown to admit the Natives of India to the Civil Service; and the Natives could not but contrast the hot haste of the Government in imposing taxes with the delay in carrying out an Act of Parliament. One of the most important questions in India, therefore, was how to give effect to the Act of Parliament, and Her Majesty's Proclamation, in which it was stated that the subjects of all races were to be admitted to all employments for which they were suited. No doubt, Natives were employed now, but in small and underpaid posts. They were, however, well qualified for the higher judicial offices, and their appointment to such offices would not only satisfy them, but conduce to economy; because it was not necessary to give as much money to Natives who were serving in their own country, as to Europeans who must be tempted by high salaries to leave theirs.

*Sir Charles Wingfield*

**MR. CAMPBELL-BANNERMAN** said, his hon. Friend the Member for Brighton had expressed an opinion that the proposals of the Government of India, in reference to military expenditure, were frequently overborne by the War Department at home, and that in that way the interests of India were in many cases disregarded. His hon. Friend, by his frequent allusions to the evidence taken by the Committee upstairs, rather conveyed the impression that the conclusion he arrived at was founded on that evidence. As a Member of the Committee, he (Mr. Campbell-Bannerman) was bound to say that no evidence was given on the subject, except of a very general character, and to a very slight extent, and no opportunity had been afforded to the War Department to refute it. When the Committee met next Session, however, that opportunity would be given, and he merely rose to ask the House to suspend its judgment on that subject until both sides had been heard. He was much mistaken if it would not be shown that if proposals had been set aside and a new system adopted, the result had not been beneficial to India in an economical point of view. The fact was that the Secretary of State for War had not the slightest desire to impose upon the Indian Government any charge which was not justly due from them.

**SIR JOHN LUBBOCK** thanked the Under Secretary of State for India for his able and interesting statement. He, for one, was not satisfied that there was any sufficient reason for adopting the Resolution which the hon. Member for Brighton had brought forward. In one expression of regret on the part of his hon. Friend they would all concur—namely, that the Indian Budget had been presented at so late a period of the Session. His hon. Friend and the Under Secretary for India were doubtless at one upon that subject; although the mere fact that the Budget was brought forward at a late period of the Session was no proof of indifference on the part of the Government. With respect to the subject of taxation, he could not help thinking that his hon. Friend had painted the condition of India in too dark colours when he said it would be impossible to raise an extra £5,000,000 of revenue on account of the poverty of the country. In one sense India was a

poor, in another sense it was a rich, country. If Englishmen could wear little clothing, sleep in the open air, and be induced to give up the use of intoxicating drinks, it would be difficult to raise the revenue which the Chancellor of the Exchequer now received. And with respect to local taxation, it should be borne in mind that one beneficial result of local burdens was to educate the people in self-government. His hon. Friend complained that the management of the affairs of India was placed in the hands of officials who were not elected by those whom they governed. But representative government was a thing unknown in India. The former Governors of India governed the country for their own benefit. We endeavoured to govern India for the benefit of the people of India. Of course, we had made mistakes; but, on the whole, he maintained that we had no cause to be ashamed of our conduct as regarded India. He could not, therefore, help regretting that his hon. Friend had used such phrases as "squandering the revenues of India" and "contemptuous indifference of the House of Commons," because they were unfair to the Government and unjust to the House and to the people of this country.

**SIR PATRICK O'BRIEN** inquired the reason of the delay in furnishing a Return for which he had moved last year, as to the relative number of Hindoos and Mussulmans officially employed in India; also why it was that the system of Staff appointments which prevailed in England was not adopted in India?

**MR. BECKETT-DENISON** moved the adjournment of the debate.

**MR. FAWCETT** asked when the debate would be resumed?

**MR. BRUCE** said, it would be taken to-morrow, at 12 o'clock.

Motion agreed to.

Debate further adjourned till To-morrow.

And it being now five minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

CIVIL SERVANTS (PENSIONS TO  
WIDOWS AND FAMILIES).

OBSERVATIONS.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the circumstance that there is no power to grant any Pensions to the widows and families of those Civil Servants of the Crown who die while in the performance of their duties, whatever the duration of their public service, and more especially with reference to the Foreign and Colonial Services, and to move a Resolution upon the subject, said, that the Civil Servants had very great cause to complain. Since the salaries were fixed many years ago there had been a great change in prices, which during the last 20 years had nearly doubled. The case that he had to submit was a grievous one, and he trusted the Government would see that justice was done to the widows and families of those deserving men, who, after from 20 to 50 years' service, had died, leaving their widows and families entirely unprovided for. The first case to which he would refer was that of Mr. Keith E. Abbott, who had been 35 years in the service of the Crown—for 27 years in Persia, and afterwards for five years as Consul General at Odessa. He died last year, leaving a widow and eight children, and no provision had been made for them by the Government. The next case was that of Mr. Erskine, senior clerk of the Accountant General's department of the Admiralty, who served for 35 years. He died in 1872, after a brief illness caused by extreme application to public duties. The application of the Admiralty to the Treasury for an allowance to the widow and children was immediately rejected. He had for 17 years paid his contribution to the Superannuation Fund; but, notwithstanding that, nothing was done for the widow and children. In the case of Governor Keate, who, after having been 30 years in the employment of the Government, was sent out to the coast of Africa and died within seven days, no provision had been made for his family. Then there was the case of Mr. Tomline, who was a clerk at Devonport Dockyard for 25 years. He died after six weeks' illness, caused by overwork, and not a single sixpence was given to his wife or family. In justice to the Departments it should be said that the

resistance in all these cases came from the Treasury, in spite of the recommendations of the Departments. The hon. Member was proceeding to refer to other instances of alleged hardship in support of his Motion, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

HOUSE OF LORDS,  
Saturday, 2nd August, 1873.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Duke of Edinburgh's Annuity \* (273); Consolidated Fund (Appropriation).  
*Second Reading*—Committee negatived—Telegraphs\* (266); Militia Pay Acts Amendment\* (271).

Committee—Report—*Third Reading*—Public Health Act (1872) Amendment\* (257), and passed.

Report—*Third Reading*—Endowed Schools Act (1869) Amendment (253); Merchant Shipping Acts Amendment\* (269); Conspiracy Law Amendment\* (270), and passed.

*Third Reading*—Penalties (Ireland) \* (242); Langburgh Coroners\* (248); Defence Acts Amendment\* (265); Constabulary Force (Ireland) \* (261); Expiring Laws Continuance\* (258); Railway Regulations\* (259); Royal Naval Artillery Volunteer Force\* (260), and passed.

The House met at Twelve of the clock.

ENDOWED SCHOOLS ACT (1869) AMENDMENT BILL—(No. 263.)  
(The Lord President.)  
REPORT OF AMENDMENTS.

Amendments reported (according to Order).

THE MARQUESS OF RIPON moved, after Clause 3, to insert the following:—

"Where any endowment or any right of holding, or any power of government of or management over any endowment, or any power of appointing officers, teachers, exhibitors, or others, either in any endowed school, or with emoluments out of any endowment, is vested in Her Majesty in right of her Crown or of the Duchy of Lancaster, the Endowed Schools Acts, 1869 and 1873, shall extend to such endowment right or power; and the term "governing body" in those Acts shall be deemed to include Her Majesty:

"Provided that—

"(1.) Any scheme with respect to such endowment, right, or power shall not be approved by the Committee of Council on Education unless Her Majesty assent to such scheme:

"(2.) All notices and documents required to be served on or sent to a governing body for the purposes of the Endowed Schools Acts, 1869 and 1873, may be served on or sent to the Lord Chancellor, or by the Chancellor of the Duchy of Lancaster, as the case may require:

"(3.) With the consent of Her Majesty, a scheme may deal with any such right or power without saving or making due compensation therefor:

"(4.) Any assent or consent of Her Majesty required for the purpose of the Endowed Schools Acts, 1869 and 1873, may be signified by Her Majesty's Sign Manual, countersigned by the Lord Chancellor, or by the Chancellor of the Duchy of Lancaster, as the case may require."

*Motion agreed to.*

Further Amendments made: The Queen's Consent signified; the Standing Orders Nos. 37 and 38 considered (according to Order) and dispensed with; Bill read 3<sup>rd</sup>, with the Amendments, and passed, and sent to the Commons.

House adjourned at a quarter before  
One o'clock to Monday next,  
Eleven o'clock.

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HOUSE OF COMMONS,  
*Saturday, 2nd August, 1873.*

MINUTES.]—PUBLIC BILLS—Committee—Four Courts Marshalsea (Dublin) [265]. [No Report.]

Third Reading—Duke of Edinburgh's Annuity\* [272]; Consolidated Fund (Appropriation)\*, and passed.

The House met at Twelve of the clock.

NATIONAL EDUCATION COMMISSIONERS—THE CALLAN SCHOOLS—DISMISSAL OF REV. MR. O'KEEFFE.  
QUESTION.

MR. AGAR-ELLIS asked the First Lord of the Treasury, Whether he is aware that the Commissioners of National Education in Ireland have deferred the consideration of the Rev. Mr. O'Keeffe's application for re-instatement in the management of Callan Schools till the 4th of next November; and, whether, considering the loss such delay must cause in many ways to the Rev. Mr. O'Keeffe, it is the intention of Government to take action in the matter; and, if so, in what manner?

MR. GLADSTONE, in reply, said, his hon. Friend had just mentioned to him that he had the subject of the re-instatement of Father O'Keeffe and the Callan Schools in his mind, and that if necessary he would postpone the Question he wished to put upon the subject until Monday. He (Mr. Gladstone), however, had declined to avail himself of the offer of his hon. Friend to postpone putting the Question until Monday, because he could not obtain any authentic information by that time, as the next day was Sunday, and he would not be in any better position to answer the Question than he was now. Half an hour ago he received a letter from the Rev. Mr. O'Keeffe, conveying his belief that the Commissioners would not be able to consider his application before November. He was not minutely aware of the arrangements of the Commissioners, and he had not been able to communicate with the noble Lord the Chief Secretary for Ireland. He certainly would do so, and if it were possible, consistently with the arrangements of the Commissioners, there should be an early consideration of this question. It was very desirable, if it were possible, to bring it to some final issue; and he certainly would take care that representations were made to them of the importance of their taking that course.

PARLIAMENT—THE COUNT OUT.

MOTION FOR AN ADJOURNMENT.

MR. CAVENDISH BENTINCK said, that before proceeding to the Business on the Paper, he wished to say a few words with reference to the count-out on Friday night. On Thursday the Prime Minister announced the understanding that had been come to, by which hon. Members should have an opportunity of bringing on Motions last night; but he (Mr. Bentinck) confessed he was rather suspicious at the time whether a House would be kept, from the right hon. Gentleman advising the hon. Member for the Isle of Wight (Mr. B. Cochrane) to ask his Friends to come down and support him. He considered counting out a vicious practice, as it prevented private Members bringing forward matters of great importance, and he considered that the Prime Minister, as trustee of the time of the

House, was bound to take care that when private Members had matter of importance to submit to the House they should have an opportunity of doing so. Instead, however, of doing so, the right hon. Gentleman, during his term of office, had encroached upon them to the utmost extent. He had availed himself freely of morning sittings, and he had unfortunately induced hon. Members to yield to him the privilege of going into Committee of Supply on Mondays without Motions, and therefore the Prime Minister had more time at his disposal than any Prime Minister ever had before. It seemed to follow that it was more than ever his duty to be careful of the rights of private Members during the residue of Tuesdays and Fridays. The Government alone could keep a House on those days after the morning sittings, because the physical power of human nature would not enable men to sit from 2 to 7 o'clock and then to return at 9. How had the Prime Minister fulfilled his obligation? The House had been counted on Tuesdays and Fridays so often that the evening sittings had been reduced almost to a farce; and it was almost impossible for any private Member to bring a question on now. He had just now given Notice to postpone until next Session a Motion, the Notice of which had been on the Paper ever since March. He had never been able on the Ballot to get a chance of bringing it on. These repeated counts-out rendered it impossible for many questions to be disposed of. Last night he was not present himself—he never intended to be present—it was the business of the Government to make a House; and he was told there were 15 or 16 Members of the Government present. The other Members of the Government had no right to be more agreeably engaged elsewhere. If the right hon. Gentleman could not get the other Members of the Government to attend to their duties in that House, all he had got to do was to discharge them, and there were plenty of hon. Gentlemen below the gangway who would undertake to fulfil their duties. If these counts-out were to continue, it would be utterly impossible that the business of the country could be transacted. He therefore gave Notice that, next Session, unless an arrangement was come to for preserving the rights of private Members, he should oppose the Sessional

Order relating to morning sittings, so unfortunately commenced by the right hon. Gentleman the Member for Buckinghamshire. To put himself in Order, he moved the adjournment of the House.

MR. R. N. FOWLER seconded the Motion without agreeing with the hon. Member for Whitehaven. What appeared to him to be at the root of the counts-out was the taking of Supply on Monday without Motions. He demurred to the statement that it was physically impossible for a Gentleman to be in his place at 7 and again at 9. He had no difficulty in doing it, and the hon. Member for Whitehaven could have been present at 9 on Monday night if he had liked. It was not the fault of the Government that the House was counted out, for it was entirely owing to the absence of private Members. The Prime Minister, notwithstanding his recent indisposition, was in his place, which showed that he was anxious to keep a House for those who had Questions on the Paper; and the Treasury bench was full.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Cavendish Bentinck.)*

MR. GLADSTONE said, he was obliged to the hon. Member for Falmouth for the manner in which he had done justice to the Ministry. Listening to the hon. Member for Whitehaven he began to doubt whether the hon. Member's speech was not from beginning to end a piece of refined irony. He said it was physically impossible for hon. Members to sit from 2 to 7, and then to return by 9, and then he complained that the Members of the Government did not do it. How were the Members of the Government to do that which was physically impossible for hon. Members? Were not the Members of Government subject to the infirmities of human nature? If the hon. Gentleman thought not, he (Mr. Gladstone) would cheerfully make over all his to the hon. Gentleman. When the Government, out of its 31 Members, furnished a contribution of 18, while the other 620 hon. Members furnished a contribution of 13, he must say he thought it a waste of time to discuss the complaint the hon. Member had made.

MR. J. LOWTHER endorsed the remark of the right hon. Gentleman that

*Mr. Cavendish Bentinck*

the Members of Her Majesty's Government, like other mortals, were subject to the infirmities of human nature. The House had seen abundant proofs of that during the last few days. He was unable to agree with the hon. Member for Whitehaven that the practice of counting out the House was a vicious one. On the contrary, he thought that any hon. Member who called attention to the fact that the business of the country was being transacted by fewer than 40 Members was performing an act of patriotism, and that the practice was no disadvantage when compared with the hole-and-corner way of doing business which sometimes occurred on questions of great importance, when less than 40 Members were present. He regretted, however, the pernicious alteration of the forms of the House which prevented grievances from being discussed before Supply was granted, and hoped that next year there would be a return to the ancient practice.

Motion, by leave, withdrawn.

**CONSOLIDATED FUND (APPROPRIATION) BILL.**

(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter.*)

**THIRD READING.**

Order for Third Reading read.

MR. BECKETT-DENISON said, before the Bill was read the third time, he wished to make one remark by way of protest on a growing evil—namely, the way in which important Bills were hurried through every stage of their progress at the end of the Session, without hon. Members being made aware of what was to come under discussion. This was a matter which deserved the serious attention of those who had the conduct of legislation.

Bill read the third time and passed.

**EAST INDIA REVENUE ACCOUNTS.**

**COMMITTEE. ADJOURNED DEBATE.**

Order read, for resuming Adjourned Debate on Amendment proposed to Question [31st July], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the present constitution of the Government of India fails to

secure an efficient or economical management of its finances, and that this House views with apprehension the state of local taxation in that Country, and is of opinion that its financial condition must be regarded as unsatisfactory so long as the Income Tax forms its only financial resource,"—(*Mr. Fawcett,*)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. BECKETT-DENISON said, he could not concur with the views taken by the hon. Member for Brighton (*Mr. Fawcett*) with respect to the administration of the affairs of India, which he said were not economical. What good could result from an Imperial point of view, if the House should affirm the three points which the hon. Member had propounded in his Resolution? All who had paid attention to the subject must admit that, speaking generally, the past administration of the finances of India had not been economical, and that there were grave errors in it; but the question was, what object was to be gained by asserting that in a Resolution of that House, and what could the hon. Gentleman set up which would be admitted on all hands to be a more efficient administration? He was not a thick-and-thin apologist of the Government of India, and he should be the last to find fault with criticism upon it; but from a long residence in that country he knew something of the inherent difficulties of the administration of India, both as regarded its revenues and the expenditure of them; and he thought that it was greatly to be regretted that the hon. Member for Brighton had not himself had a share in Indian administration and experienced its difficulties, as in that case his criticisms would have been tempered with greater moderation, and he would not have indulged so unrestrainedly in the luxury of denunciation. The hon. Gentleman fairly objected to be looked upon as the spokesman of financial panic; but he should remember that whatever he said in that House was published separately as a noteworthy speech, and was propagated throughout the length and breadth of India, as a unique exposition of the financial position of India and its administration. The hon. Member could not conceive the mischievous effect of a long, able, and denunciatory speech

being sown broadcast throughout the Indian Presidencies. The words were magnified by distance, by imagination, and by designing men, whose mission it was to stir up hatred and discontent against the Government of India. The hon. Gentleman had denounced the Income Tax, but that was now a thing of the past; and if it were judged by the small amount of revenue it brought in, as compared with the amount of irritation and abuse which it occasioned, no one would regret that it had been abolished. He (Mr. Denison) agreed, however, in the reserve with which the Under Secretary of State for India had spoken of the matter, and thought that without surrendering it for ever they should retain it as a source of revenue, to be resorted to in the event of an invasion, a war, or a great internecine conflict, when it might be required to meet the expenses of such extraordinary times; but to impose an Income Tax, in order to find interest for the loans raised and expended on public works the propriety of which was doubtful, was a policy against which he should always set his face, and he hoped the day was very distant when Government would again propose it. In respect to the public works, he agreed with the hon. Gentleman in thinking that a great deal had been done in the past which had been unremunerative, and he could from the experience of a quarter-of-a-century say that there was no Department of the Indian Government which required a more close or a more persistent watchfulness to be exercised over it; and he blushed to think of the millions it had expended with very little judgment indeed. Looking at the Revenues of India as a whole, and the sources from which they were derived, the hon. Member asked, supposing it were necessary to raise £4,000,000 or £5,000,000 on an emergency from taxation, what would they do? He (Mr. Denison) believed that there was no way in which they could safely raise anything like such a sum from direct taxation; but he did not think the emergency could arise in India which would require that amount. If it did, a loan could be raised to meet the necessity of the moment, and the burden of the loan could be spread over a term of years. Whether they looked to the revenue or to the expenditure they would see that there was no heroic mode

of dealing with the administration of India; everything must be done by small means. They could not make large and sweeping deductions from their taxation, neither could they make large and sweeping additions to their expenditure. The progress of economy, therefore, must be naturally slow, but at the same time progressive; but that did not save the Government from taking every means in their power to reduce the expenditure, and the only two departments in which a reduction of expenditure was possible were in unremunerative public works and in the Army. The Government were pledged to carry out any possible reduction in the Army; for it was admitted, that in spite of a great reduction in the Force, the cost was much more than when there was a larger number of men. With regard to public works, he fully endorsed all that had been said about the waste upon barracks which had been condemned; but he was afraid that they had not yet arrived at a business-like and satisfactory arrangement with regard to the public works expenditure. The hon. Member referred in terms of severe animadversion to the two new questions of decentralization and local taxation; but the hon. and learned Member for Lynn (Mr. Bourke) had begged the House not to pass any present judgment upon the system of decentralization, until it had had a fair trial. Then, the question of local taxation required the serious consideration of the Government. If the present system went on, it would be found they could not tax the people in the different localities without giving them a direct and powerful voice as to the manner in which that taxation should be raised, and the objects for which it was imposed. It was also to be borne in mind that the more zealous the Government officer, the more was he imbued with a despotic temperament, so that he could not bear with opposition, and made enemies where he ought to make friends. In the municipal and local councils a man of his character was sure to over-ride all opposition; and if the other members disagreed with him, he was sure to have them removed at the next election in favour of others who might prove more compliant with his dictation. These were all matters which would require

the interposition of the Indian Government and of the House; but, at the same time, he did not think the matter had got to that extent as to justify the Amendment of the hon. Gentleman the Member for Brighton. He hoped the evidence which had been given in the Committee upstairs would induce the Government in the different Presidencies to give a patient hearing to everything calculated to allay discontent. The Manchester school was responsible for the Government of India being forced into expenditure against its will during the last 13 or 14 years; it was only now that the unremunerative nature of the expenditure was beginning to be perceived, and that public opinion was turning round and enabling the Government to resist the pressure that was put upon it by the Government of this country. The hon. Member, on the principle of *laudator temporis acti*, attributed all the virtues to the old East India Company and all the evils to the present Government of India; but if he had known India in the time of the Company, he would modify his judgment. The old Company had many excellent qualities, not the least of which was their successful resistance of unfair burdens on the people for Imperial taxation. He (Mr. Denison) was, however, not prepared to say that, on the whole, the East India Company was a better Government than the present Government. His opinion inclined the other way. Although the publication of the proceedings of the India Council in London might gratify the curiosity of many, and occasionally prevent an abuse, in the long run it would be disastrous. It would be advisable to reduce the Governors of Madras and Bombay to Lieutenant Governors, with Councils upon which the various local opinions in the Presidency towns should be represented—an arrangement which had been found to work quite satisfactorily for Bengal. Sir John Lawrence told the Committee upstairs that he had again and again called upon the Government of Bombay to stop its expenditure, to send in estimates, and to wait until the Supreme Government had pronounced an opinion, but no attention was paid to him; and when asked why he did not insist on his wishes being carried out, he said the status of the Governor of Bombay was

too high to warrant the Governor General in resorting to extreme measures, and however much he disapproved what was being done, he felt that he was helpless in the matter. That was not such a state of things as ought to exist. The control of the Governor General ought to be real and potential if it existed at all. A Lieutenant Governor, to know anything of the wants and feelings of the people, must have had some previous practical acquaintance with them. No man could go from another part of the world into an Indian Presidency and avoid mistakes unless he had a Council to guide him. There was only one other subject he wished to draw attention to—the employment of Natives. On that subject he thought the Government of India had been guilty of something like a breach of faith. That was a serious question as regarded our future hold on the people of India, and as the natives advanced in education, it was not fair or politic to close up all the avenues of employment for them except in a position of complete inferiority to their European colleagues? He knew the difficulties of the subject, but we must be content to forego some of our prejudices and fears. We must in deed, as well as in word and promise, throw open the services of India to Natives, and give them the chance of qualifying themselves, without imposing upon them the intolerable burden of coming to Europe in order to pass through the colleges of this country. To say that we would not have any who had not passed through Cooper's Hill College, was to say that we would not have any at all. Although he was no pessimist like the hon. Member for Brighton, not an optimist like the Under Secretary for India, yet he did not think they needed to look with alarm on the future, nor did he agree in the necessity of affirming that the present Government of India failed in efficiency. In conclusion, he would urge the hon. Member for Brighton not to press his Amendment.

GENERAL SIR GEORGE BALFOUR said, he must congratulate the hon. Member for the West Riding of Yorkshire (Mr. Denison) on the excellent practical speech which had just been delivered. The remarks on the Indian administration could only have been made by one who had had experience

in India. He agreed with all that had been said, except as to the objections made to the course taken by the hon. Member for Brighton (Mr. Fawcett). That hon. Member had been a good friend to India, and deserved well of the people; but he joined with the hon. Member for the West Riding of Yorkshire, in expressing a hope that the Amendment would not be pressed to a division in so thin a House; because all the objects the hon. Member for Brighton sought had already been, or were about to be, attained; and he would suggest that the hon. Member should assist the Under Secretary and the Committee upstairs in coming to some practical conclusions upon the evidence that had been taken before them. He would only add that if it were divided on, he should vote for it, in order to mark his sense of the good service the hon. Member for Brighton had done to India. He rejoiced to learn that the finances of India were in a flourishing condition, and congratulated the hon. Gentleman the Under Secretary of State on the balance being at length on the right side of the account, though the balance at their credit was not so large as to afford much satisfaction. Still, with the five allies which the hon. Gentleman had, of Providence, good seasons, opium, land revenue, and economy, he had no doubt by the aid of the last three allies, we should soon have an increased balance in our favour. With regard to the opium revenue, he must refer to the opinion of the hon. Member for Orkney (Mr. Laing), who had shown that no branch of the income of India had been so uniformly sound as this. He had no wish to go into the high moral question raised by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). It was purely a financial question that was now under discussion; and, though he admitted that it was unwise of the Government of India to rely on that large part of their revenue continuing without fluctuation, still, as regarded China not buying this drug, he had no doubts. He had himself, 30 years ago, investigated the question of opium cultivation in China, and he was satisfied from that investigation, and from all that had since occurred, that the Indian opium revenue had nothing to fear for some time on account of Chinese cultivation of opium. He was glad to learn from the Under Secretary that

there had been an increase in the land revenue between 1868-9 and 1871-2 to the extent of £594,166, and he hoped that that important item would increase year by year; but he must add that he wished the hon. Gentleman had brought to notice the important fact that the largest part of that increase was due to the much abused Presidency of Madras. There they had found a continuous rise in the revenue in all branches year by year for many years past, and between 1868-9 and 1871-2 the increase in the land revenue had been £371,524, thereby leaving but a small part of the total increase from land to the other Provinces. Indeed, in three of the Provinces there had been an actual decrease of land revenue, so that without the aid of Madras, the finances, as respected land revenue, would have appeared to a disadvantage. He trusted that the well-ordered Administration of the Madras Presidency, as well as its Army, might in future be better appreciated. Now, seeing the difficulty of increased balances on the favourable side of the balance-sheet of India, through the aid of increased revenue, there was one ally of the Under Secretary which could be relied on to effect this result, and that was economy. No doubt, the military expenditure afforded an opening for economy; but he would suggest that there was ample room for economical reforms in the Public Works Department and other branches of the Civil Service. The Public Works Department in India was an overgrown establishment; it had passed beyond the control of any one head; and he was, therefore, glad that in that Department the Government were reducing the expenditure. The outlay on military works alone had fallen off from £2,125,554 in 1868-9, to £747,094 in 1871-2; so that there had been a saving of more than £1,250,000; still there was ample room for large economies in the excessive expenditure of that Department, and in other branches; and not only in the expenditure in India, but in the yearly increasing outlay in England for public works, for establishments, stores, and the engineering college of Cooper's Hill. There were also other great openings for economy in all branches of the Civil Service. The numbers of Europeans now employed were large as compared with the former numbers.

In their large salaries, and in the unnecessarily high salaries given within the last few years to all the establishments in India, there were great openings for economy. Whilst he advocated the employment of Natives, and a great decrease in the number of Europeans, he must add his protest against the practice of giving to Natives the same rates of salaries as allowed to Europeans. These latter should be few in number and paid exceptionally. Considering the yearly increasing number of European engineers, civil and military, and the additions of Europeans to the Forest Department and to the Telegraph, there was ample scope for great economy. Instead, therefore, of making all the economies out of the Army expenditure, he trusted that not only the Army, but the Public Works, and all the civil establishments of the country, in India and at home, should be equally submitted to the economical shears which they could so well bear. By that economy they could obtain means for removing some of the obnoxious burdens which created the serious discontent which had been adverted to. The present Commander-in-Chief in India had represented that at no previous time had our Government had such little hold on the affections of the people of India as at present. That meant that without a large Army, and, consequently, an excessive expenditure, we could not maintain our rule in India in the face of unpopular taxes. As one of the small band who invaded China in 1840, he could speak to the difficulty of carrying on war in Asia with a hostile population; and, therefore, fearing the like evil in India, he most cordially endorsed Lord Canning's saying, that "rather than have discontent from unpopular taxes, he would risk holding India with a small Army." Now, the cost of the military force had largely increased within the last 15 years. The strength of the Army in 1857 was calculated out and reported by the Government of India in a despatch to the Secretary of State written in 1861 at 42,179 European non-commissioned rank and file, and 268,413 Native officers and men—total, 310,592 European and Native soldiers. But the cost of that Army had never been calculated out and made public. He (Sir George Balfour) endeavoured to estimate it for Lord Can-

ning in 1860, and made out statements to show that if the European Force in 1856-7 had been maintained complete in effectives, instead of being largely below the established strength, and if the two European infantry regiments withdrawn from India for the war in the Crimea had been kept in India, then the total cost of the Indian Army, at home and India, could not have been less than £13,500,000. In order to be safe, it might be taken at £14,000,000, including the charge for military works. Since then the European Forces had been increased. In 1861, the Government of India fixed the strength at 73,577 European non-commissioned rank and file of Artillery, Cavalry, Engineers, and Infantry, and 136,369 Natives; total, 209,946. In 1862, the established strength of European soldiers was about the same, but the Native Force less, and the cost amounted to £15,500,195, including Home and Indian expenditure and military works. In 1863-4, the military expenditure, including military works, was £15,465,276; in 1868-9 it had sprung up to £18,395,125, Home and India and public military works included. In 1871-2, with an established force of about 60,000 European non-commissioned officers and men, and about 120,000 Natives, deducting boys, or a total of about 180,000 European and Native soldiers, the cost was £16,425,206, including military works. Thus we had an increased military charge of nearly £2,500,000 since 1857, with a much smaller total Force, especially in Native troops, and with only an increase in the European Force of about 16,000 men. Even since 1862-3 and 1863-4 we had an augmentation of £1,000,000, and with a decrease of 13,000 Europeans and about 16,000 Native troops. He must, however, explain that additions of various kinds had been made to the military charges of India, whilst reductions had been few, except in the number of the Forces. We had practically maintained more than all our former expenditure on all branches of the Army, whilst we had largely diminished the military strength. The military budget for 1873-4 continued to show a large increase over the expenditure of 1862-3. But the military charges in 1873-4, as shown in the Budget, could not, however, be contrasted with those of 1862-3, without

taking into consideration the large transfers of outlay that had taken place from the military budget to other services, amounting to fully £520,000, so that the expenditure on the Army since 1862-3 might be said to have increased fully £1,500,000. Now, there was one part of the military charges on the Revenues of India to which particular attention had been called of late years, in that House and outside; it related to the high cost of maintaining the British troops detached to India from the Home or Imperial Army. It should, however, be remembered that that was the result of a policy pursued of late years. Until 1861, India had a special force of European soldiers as a component part of the Indian Army; and in the last century, when service in India was disliked, then that Force was larger than it had been in any part of this century, except at the date of its discontinuance in 1861. The European troops raised and maintained for India were in that year in number about 18,000, of whom about 17,400 transferred their services in 1861 to the Imperial Army, on a payment of a bounty of about £160,000. That discontinuance of a special Force of European troops for service in India had always been advocated by certain classes. It had been the policy of parties at home throughout all this century to decrease the numbers of the European troops kept up by the Government of India, and to increase the numbers detached to India from the Home or Imperial Army. Now, after the transfer of the Government of India to the Secretary of State for India the present Earl of Derby continued the system of keeping up a European Force specially for India; and one of the greatest and most far-seeing statesmen we have ever had on all affairs relating to India (the Earl of Ellenborough) strongly advocated the continuance of this Force. The Viceroy of India, at the date of the transfer of the Government of India to the Crown, the late Lord Canning, earnestly advocated the maintenance of a separate European Force for India, and others of great weight supported the measure. But on Sir Charles Wood taking the Seals of office of the Secretariat of India, he decided on abolishing the force of European troops maintained on the rolls of the Indian Army, and of depending en-

tirely on the aid of European troops detached from the Imperial Army for service in India. That decision was entirely opposed to the opinion of every Member of the large Council with which Parliament in its wisdom had surrounded the Secretary of State as his advisers in all matters relating to India, but more especially in all questions involving finance. In order to enable that Council to record their adverse opinions, Sir Charles Wood laid before the Council the draft of a Bill, which subsequently became an Act, to discontinue recruiting for the European Force of India, which necessarily involved the abrogation of the Force. The Council of India, in a body, earnestly and urgently minuted against the measure; and all, except one Member of the Council, signed the dissent which was laid before Parliament in Parliamentary Paper 330 of 1860. That dissent was entirely disregarded; and in January 1861, Sir Charles Wood sent out a despatch to Lord Canning, directing measures to be taken to induce the European soldiers to volunteer for the Imperial service. So wisely were all the arrangements in India made, that on that occasion, as already stated, about 17,400 European soldiers accepted general service on receiving the usual bounty on change of conditions of service. That was effected at the cost of one-eighth of the outlay which was entailed on the country by the ill-advised and badly-arranged step which led to 10,000 European troops of the Indian Army taking their discharge, on the Government of India being transferred from the East India Company, in whose service they had enlisted. It was to that step of Sir Charles Wood that we could trace the heavy expenditure of the Indian Army as far as it related to the maintenance of the European troops. India, by giving up the local force of European soldiers, lost a standard by which to keep down charges for the Imperial troops detached to India, which were unavoidable so long as the organization of the Home Army was adapted for Imperial purposes, irrespective of Indian considerations. He (Sir George Balfour) felt called upon, from his recent connection with the War Office, to do justice to the Secretary of State for War, and to add that with regard to increase in the military expenditure of India by charges made from the War Office, his right hon. and gallant

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Friend the Surveyor General of the Ordnance had tried to aid India by decreasing expenditure on stores. Some improvement was effected; but if all that was possible in that branch had not been done, it was not chargeable to his right hon. Friend. From the personal experience he had gained whilst in the War Office he was able to give the fullest credit to the Secretary of State for War, for affording facilities for effecting reduction of expenditure in the Indian Army. The right hon. Gentleman had done him the honour to consult him on proposed reductions, and he the more readily listened to his opinions, that these proposals were in strict accordance with those he (Sir George Balfour) had made in 1862. The Secretary of State being satisfied as to their propriety, at once decided in favour of economy. These reductions involved the decrease of two regiments of European infantry, without decreasing a single private; and a reduction of 120 companies, and 120 captains and other officers; also of two regiments of cavalry and of 23 troops, but with a decrease of men; subsequently, two brigades of Artillery, five batteries of horse-artillery, and 13 other batteries had been withdrawn from India; by these important changes the Secretary of State for War had aided the Government of India in effecting, he believed, a reduction of at least £250,000 per annum from the Indian military expenditure. And he was convinced that it was only necessary for the Secretary of State for India to lay before the War Office a well planned project for the organization of the European troops in India, and for the maintenance of dépôts at home, to ensure the prompt attention of the Secretary of State for War to the economies. But it must always be borne in mind that the Army of India, even with its present heavy expenditure for the large strength in European troops, was totally insufficient to maintain order, if a spirit of discontent prevailed amongst the people of India. If there was any convulsion in India, either from taxation or from external intrigues, or from both causes, it would be necessary largely to increase our military expenditure. It should be borne in mind that with our military expenditure in 1866-7 at about £18,500,000 or £14,000,000, it had sprung up from the mutiny of the Bengal sepoys, to nearly double; it was

increased to £26,522,136 in 1858-9; and in 1860-61, it was still at £19,243,634, including military works. Hon. Members would therefore see how speedily a convulsion would swallow up the whole of the opium revenue and necessitate an extensive tax on incomes. In a mere money point of view he would, therefore, strongly urge the Indian Government to remove the causes of discontent. It was more desirable to have a small Army with the people of India contented, than to have a large Army with the people discontented. He (Sir George Balfour) expressed his satisfaction with the change in the constitution of the Indian Council that had been effected. Instead of appointing members for life, the appointments were now limited, under an Act brought in by the present Secretary of State for India, to a term of years, and he hoped that the present limit of 10 years would be still further restricted. He also hoped that further improvement would be effected in the home and India administration. He trusted that the Viceroy would be able to devote his whole time and thoughts to the general and impartial administration of all India, and to this end that he should at once be freed from the administration of the Bengal Army. This practice created some of the greatest evils in Indian administration. Moreover, instead of only one Army under the Commander-in-Chief and under the Viceroy, as so strongly and persistently advocated by Bengal officers, he trusted that there would be several Armies—probably five or seven—in India, as recommended by that distinguished statesman, Sir Bartle Frere. We ought to build up our house in several compartments, as that great man Mountstuart Elphinstone urged, so that in case of convulsion we might save some of the parts out of the conflagration. With regard to the advocated measure of having a Native Army composed of the same military classes as sepoys, he hoped that a delusion about the superiority of one class of Natives for military service over other classes would be dispelled from their minds. It was the European officer, the training, and drilling, and leading which made the Native a good soldier. The example of the Punjab men had often been quoted; but they enlisted in the Mutiny, as Sir William Mansfield pointed out, to get

revenge on the Bengal men and to obtain plunder in India. The best opinion that he (Sir George Balfour) had ever obtained was from an intelligent and observing officer who was a prisoner of the Punjab troops when that country was independent of the Government of India. He stated that he then found that these troops were as much afraid of the Bengal troops when led by European officers, as the mutinied Bengal troops were frightened at the Punjab troops when led by European officers. It was the officer that made the men; and in the former excellent system of the Madras Army, they had a good lesson as to how Natives could bear a good regimental code. Now, with regard to the much-abused Madras sepoys, he had practical knowledge as to their bravery and discipline. In 1839, a band of Arabs and of men beyond the frontier of India was formed in the Nizam's dominions and took service with our feudatory the Nabob of Kurnool. He (Sir George Balfour) was the brigade major to the Force which attacked that band. It was led by the most distinguished of all the leaders then in the Nizam's territory. It consisted of fully 3,000 well-trained stalwart men, and active, brave, and small Arabs. The Chief of the Arabs was also a famous leader—and, yet, with a weak battalion of Madras sepoys, under 500 men, with about 120 European infantry, 60 European cavalry, and 100 native cavalry, with six guns, this band was attacked and nearly annihilated. The Madras sepoys were amongst the foremost in closing with the band and in using the bayonet. No doubt, that battalion was vieing with the small body of European infantry who fought side by side with the sepoys. It was thus useless to cry up Bengallees or Punjaubees or Sikhs. The men then attacked were from the frontiers of Punjab and from Afghanistan, as fine men as could be found; and yet they succumbed to the well-disciplined Native of Madras, because he was led and disciplined by good European officers. It was in that portion of the administration, relating to the Native Army of India, that Sir Charles Wood's unhappy changes had caused so much evil. He hoped that the evidence collected upstairs would lead to changes in the administration by which the proceedings in India might be better known and more effectually supervised.

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by the Secretary of State in Council. He also hoped that changes would be introduced into the Home Establishment, by which a scrutiny might be established over all branches of expenditure both in India and in England. In that respect there was a great opening for improvement. And with regard to the remark of the Under Secretary of State, as to the insufficient control over the finances and expenditure of India which the Minister of Finance was stated to feel, that was most extraordinary; if the hon. Member for Orkney (Mr. Laing) had an opportunity of saying a few words, he would unhesitatingly state that when he was in India he had most effectual control over all expenditure, especially that of the military. Lord Canning's Government established a system of control, and a machinery for exercising control over all expenditure which was equal to any that existed in any country; but changes were made by Sir Charles Wood's special instructions, by which that machinery was destroyed, and the control so wisely and effectually created by the experience of Lord Canning, of Mr. Wilson, of Sir Bartle Frere, and of Mr. Laing was cast aside, and the result had been large augmentations in every branch of the civil and military expenditure. He would conclude by advising that every effort should be used to develop the resources of the country; not by means of gigantic and overgrown establishments of a large Public Works Department, but by moderate establishments in the several localities. The improvements most useful were irrigation works; not those of a large and expensive kind, as lately in favour, but of a kind that would speedily produce results. Instead of State railways to keep the large establishment of the Public Works employed, it would be far better to leave the construction of such works to companies, but under improved terms as to outlay, leaving to Government officers the duty of making canals and of forming reservoirs. It was in those irrigation works that Natives could be so usefully employed; they only required to be directed by the higher skill of a few European engineers to be able to finish works on an excellent model, certain to be useful to the people and profitable to the State. He would take leave of the subject with an earnest wish for the prosperity and happiness of the people of India.

SIR DAVID WEDDERBURN: Sir, it appears to have been assumed throughout this debate that the Financial Statement of the Under Secretary of State for India and the Amendment of the hon. Member for Brighton (Mr. Fawcett) are diametrically opposed to each other, and that while one has presented a picture all *couleur de rose*, the other has employed only the darkest and gloomiest colours. Now, it seems to me that making due allowance for the difference in style of the two artists, the pictures are substantially the same. The Under Secretary of State has told us that, thanks to a favourable season, a good opium crop, military reductions, the suspension of public works, and the transference of various charges from Imperial to local funds, he expects this year to make the two ends meet without the aid of the income tax. Now, I would ask if there is anything inconsistent with this in the Amendment of my hon. Friend—namely,

"That, in the opinion of this House, the present constitution of the Government of India fails to secure an efficient or economical management of its finances, and that this House views with apprehension the state of local taxation in that Country, and is of opinion that its financial condition must be regarded as unsatisfactory so long as the Income Tax forms its only financial reserve."

Upon a careful consideration of all the evidence, it seems to me that the case is made out, not against the Indian Government in particular, but against all Governments since the transfer of India to the British Crown, that they have been too costly for so poor a country as India. The most minute and careful watchfulness over every item of expenditure and the incidence of every tax is necessary, where the power of bearing taxation is so small, and this can only be secured by direct representation of the taxpayers. It is to this point that I wish specially to direct the attention of the House. The extent and the population of India are so great that persons in this country are easily misled as to her capacity for bearing financial burdens. To state her vast population as a proof of such a capacity, is like asserting that the number of paupers in this country lightens the average burden of taxation per head. The great bulk of the people in India are in fact living on the verge of pauperism, which in their case does not imply the poor-house or

out-door relief, but simply wholesale famine and starvation, when an unfavourable season occurs. Compare British India with France by means of their respective Budgets of ordinary Revenue for 1872. That of France was, in round numbers, £93,700,000 for 36,000,000 of inhabitants. That of India for 190,000,000 was £47,400,000, from which ought to be deducted for land revenue £20,700,000, and for opium £8,000,000, leaving only £18,700,000 as the amount raised from similar sources to those from which the French Revenue is raised. A very simple calculation shows that France pays 25 times as much per head as British India. No doubt the French are burdened; but if £5,000,000 additional were required in France no financial difficulty would be experienced in raising it, whatever political obstacles there might be. In India a similar deficit, arising from a failure of the opium revenue or any other cause, could be supplied only by re-imposing the income tax, which, at 1 per cent or 2½d. in the pound, yielded a little more than £500,000. The most competent witnesses before the Indian Finance Committee are nearly unanimous in their opinion that all other methods of taxation are practically exhausted. Retrenchment is therefore essential, and the natural tendency to administrative extravagance must be controlled by the taxpayers, speaking through accredited representatives. Such control may be exercised in three different cases: over local taxation and expenditure, over Imperial taxation and expenditure in India, and over the Home charges. If the scheme of decentralization and of local taxation proves to be a disastrous failure, this will be due mainly to the utter absence of anything like representation of the taxpayers. As regards the municipal councils, we have just heard from the hon. Member opposite (Mr. Denison) that they are absolutely under the power of the Government officer, who presides over their deliberations, and at whose discretion the members are appointed and removed. There is also reason to believe that the funds raised for municipal purposes are sometimes grossly misappropriated. To introduce local representation would be a simple matter, by no means foreign to native traditions, and the village assemblies, known as *puncheets*, might furnish a

model for the introduction of popular control over local business. It is of greater importance that the representative element should be introduced into the Supreme and Provincial Legislative Councils, and that those Councils should be invested with some power of control in matters of finance. At present the Supreme Legislative Council is composed of seven Members of the Executive Council, along with two official Members from Madras and Bombay. Besides these there are two non-official Europeans and three Natives, two of whom are feudatory Princes, not British subjects, and not acquainted with the English language, in which the debates of the Council are conducted. Hitherto the form has been gone through of submitting the Budget to the Legislative Council, who have, however, no power to alter its details. In 1873, even this form was omitted; and as no real control was exercised, it is, perhaps, better that such a pretence should no longer be kept up. In order to see an example upon which the Legislative Council of India and its proceedings might be modelled, we have only to cross over to Ceylon, a Crown Colony, where far more liberal institutions prevail. The Ceylon Legislative Council consists of nine official and six non-official Members, some of whom are Natives. The Bill of Supply is brought in annually, and after being read a first and second time, is referred to a Committee, composed of three official and three non-official Members, who examine the Estimates in detail, and report to the Council. The Bill is then fully discussed in the Council, the Members of which have power to move Amendments, or refuse Votes, and finally it is read a third time and passed, the whole procedure being very similar to what takes place in this House. Successive Governors of Ceylon have approved this constitution, under which taxation has been reduced, and a surplus has frequently been obtained. If a similar procedure were adopted, as regards the Budgets, in the Indian Legislative Councils, and if those Councils were reconstituted with a strong non-official and representative element, an efficient check might be exercised over expenditure and taxation. At some future time I may have an opportunity of bringing this before the House in a substantive form, as it is one of the highest importance to

India. There remains the case of the Home charges, for which the House of Commons is especially responsible, although as controlling the Executive Government, our responsibility may be held to extend over all Indian expenditure. It is, of course, out of the question that India should have representation in this House in any proportion to her population; but many who know India well believe that the experiment of conceding representatives to the Presidency cities would be attended with complete success. At first, it is probable that Europeans rather than Natives would be elected, and my hon. Friend the Member for Brighton, if unfortunately he should ever lose the confidence of his present constituency, might find a secure and permanent seat for Calcutta, Bombay, or Madras. There can be no doubt as to the favourable political effect in India, if when a re-distribution of Parliamentary seats takes place, half-a-dozen were to be reserved for the three Presidencies. We have not been able as yet to examine many Native witnesses before the Finance Committee; but those who have given evidence, while complaining of fiscal oppression, are strongly in favour of maintaining the connection between Great Britain and India. I believe that it is most desirable to maintain this connection, and that our Government, with all its faults, is by far the best Government that India or any Asiatic country has ever seen. Believing that administrative extravagance produces our only serious danger, and that in no other way can it be effectually checked; I would urge strongly upon Parliament that the time has now come for conceding, in some modified form at least, representative institutions to India.

Mr. LEITH wished to address himself to one or two salient points which he thought it was important to bring before the House. He would first thank his hon. Friend the Under Secretary of State for India for the candid and fair, and, he must add, so far satisfactory statement he had made of the affairs of India, and he was glad to learn that they could look forward to better times. For the first time they had established an equilibrium, and he hoped there would soon be a balance on the credit side. With respect to the Resolution of the hon. Member for Brighton (Mr. Fawcett), no one could deny that there were blots

and defects in the administration of India; but he thought, on the other hand, the hon. Member for Brighton had been scarcely fair, for he ought to take into consideration the difficulties which the Government of India had to deal with in administering the affairs of that great country. He took the liberty of saying that as having been a resident in India for many years, and having been, and still being intimately connected with its affairs, it would be better both for the interests of this country and of India if the hon. Member for Brighton had pointed out those difficulties, and, while pointing out the defects of administration, had shown to the people of India what England had done and was still doing for them, and what efforts the Government of India were making for the good and well-being of their country. He said this because for one person in India that read the statement of the Under Secretary for India, hundreds would read the speech of the hon. Gentleman the Member for Brighton, and he therefore regretted that the hon. Gentleman had not shown more of the statesman and less of the advocate in his speech. He should have liked to have seen something in his speech more like a *quasi-judicial* spirit in the balancing of those difficulties. With respect to the Motion before the House, he could not agree to ascribe the present state of the finances of India to the "constitution of the present Government of India," which was the first proposition contained in the Motion. But the House had heard nothing to satisfy them that the present constitution of the Government of India was not a wise and a good one; although there was no doubt it admitted of improvement, which he would be glad to see carried out. He hoped his hon. Friend would take what he had said in good part, for he well knew that he believed what he was doing was for the good and benefit of India. But he thought his hon. Friend would have done much better if he had pointed out the difficulties under which the Government of India laboured, and shown the people of India how much better they were under the English Government than they could be under any Native Government, and than they had been under any Government in time past. With those observations, he should like to say a word or two on some other

points. First, with regard to the opium revenue, he quite agreed with the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) that it involved great immorality in principle. But the House ought to recollect, at the same time, that the present Government were not responsible for this. That revenue had been bequeathed to them by the late East India Company. It was a *damno hereditas*, and he thought they, as practical men, ought to consider how they were to get rid of it, for he agreed with the hon. Member for Carlisle that the traffic was both immoral and impolitic; and, on that head, not a single suggestion was made by the hon. Member. A high authority—Lord Lawrence—had been quoted to show that the Revenue of India could not be increased. That was a great point, and the hon. Member for Brighton had shown the House that they had only the income tax to fall back upon. Now, the income tax had failed in raising more than £500,000; but the opium revenue brought in last year £9,000,000, and where were they to find a substitute for it? The people of India were truly said to be very poor. They would not use articles of European production and consumption so as to allow indirect taxes to be raised. Direct taxation, as shown in the case of the income tax, had failed. The hon. Member for Gravesend (Sir Charles Wingfield) approved of the income tax because, as he said, it enabled them to tax the richer classes in India who would otherwise escape taxation altogether. The question, however, was how could it be made to reach these classes? It had been tried and failed to do so. He (Mr. Leith) would like to see the rich native bankers and merchants of India, who were rolling in wealth, made to contribute to the Revenue. Now, why had the income tax failed in India? An income tax could only be raised when you could trust the morality and truthfulness of those who were to be assessed to it. But in India there was very little truth or morality among the Natives as regarded this subject, and no public opinion which could be brought to bear on these classes, and so compel them to contribute to an income tax. The result was that in India the rich native bankers and merchants escaped the tax, and as it was used as a means of extortion amongst the poorer

classes, and as the Europeans, who made correct returns, felt the hardship and complained, there was no other course but to get rid of it. He wished to call attention to another tax, which he considered most unconstitutional, most mischievous, and most iniquitous in its operation. That was the tax charged upon the administration of justice. He found by the Returns in the Budget that the stamps yielded a revenue of £1,639,779. They were required to be paid by the suitors under "The Courts Fees Act"—namely, Act vii. of 1870. This was entirely a poor man's question, and they had heard a great deal about the poverty of India. No man could enter a Court of Justice without having first paid an institution fee for an *ad valorem* stamp upon the value of the subject-matter of the suit, which ranged from 10 to 1,200 rupees. Fees or stamps had also to be paid at every step. The result was that it afforded an encouragement to the rich and fraudulent, in a country where injustice and corruption were rampant, and in the case of the poor man, became almost a refusal of justice. If the suitor had to appeal to a higher Court, the institution fee had again to be paid; and in Oude there were two Courts of Original Appeal! It appeared that the amount so obtained nearly covered the whole charges of the administration of justice in India—so that the suitors paid for what the whole community had the benefit of! He wished to call attention for a few moments to the excise system and "the Akbarree tax," from which a revenue of nearly £1,390,851 was raised. This large amount was not raised in accordance with the views of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) for the purpose of repressing the consumption of intoxicating liquors; but the whole principle and object of the system was to stimulate the production and extend the sale and consumption of intoxicating liquors. It became a question of such importance as to deserve the serious consideration of the House, and of every man of right feeling. It was in its character immoral, and prejudicial to the best interests of the people. He then referred to a correspondence published in *The Friend of India*, which could be relied upon. A Commissioner, who was an officer of the Revenue in the Central Provinces, wrote to the Chief Commissioner, and

pointed out that there was a difficulty in increasing the Revenue, and that it could only be done by multiplying the distilleries and shops for the sale of intoxicating liquors, as had been successfully done elsewhere; and that, unless this was done, there would be little revenue raised in the rural districts in comparison with the towns. In reply, the Chief Commissioner acknowledged the zeal and energy of his correspondent, and agreed with him that his suggestion would be productive of much good to the Revenue; but as he (Mr. Leith) thought every friend of India would agree, in much evil to the country. For the reasons which he had pointed out, he could not vote for the Amendment.

MR. AYRTON observed that, having discharged the responsible task of presiding over the Committee which had been appointed by the House to inquire into the state of the finances of India during a period of three consecutive Sessions, he wished to offer a few observations on the Motion of the hon. Member for Brighton (Mr. Fawcett). It appeared to him that before asking the House to pronounce a judgment on the Resolution, when they appointed a Committee to embark in an investigation of great magnitude and complexity, which had produced three folio volumes of immense dimensions—larger than any history of the United Kingdom—unless they were appointed merely to record thousands of questions and answers, surely it was desirable that the House should suspend their judgment on any matter under their consideration till the Committee should have the opportunity of deliberating on the evidence received, and submitting the conclusions to which they had come on that evidence. To anticipate those conclusions by a Resolution would appear to bring the proceedings of the House itself into contempt, and, instead of accomplishing that object which the hon. Member for Brighton had often expressed his wish to attain in the matter, he would in the most signal manner produce the very opposite result, for he would be proclaiming to the people of India that when the House had given them an opportunity of having their affairs investigated, Parliament would not even suspend its judgment till the result of their labours was announced, but must, in an off-hand manner, after a single debate,

pronounce an opinion on the finance of the country. He did not complain, however, of the course taken by the hon. Member for Brighton. He (Mr. Ayrton) was afraid that he himself, to some extent, had set the example which the hon. Member was now following—of proposing Resolutions on the Motion that the House should go into Committee on the accounts of the Government of India; but there was a great distinction between the course he (Mr. Ayrton) had taken, and that pursued by his hon. Friend, for the Resolutions he proposed when the late Government was in office, pointed to certain distinct propositions connected with the constitution of the Government which could not be discussed properly and adequately in a general investigation of the state of the finances of India. One of his propositions was that there ought to be a Member of Council acting for agriculture, commerce, and trade. That proposition was entirely separate from any discussion on the accounts. Another of his propositions, which had since been accepted, was that the Members of Council in this country ought not to hold their office for life, but for a limited period. Unfortunately, the comprehensive Amendment of the hon. Member for Brighton embraced every proposition to which the Committee upstairs had to direct its inquiries, and, if it were desired that that Committee should arrive at any practicable solution of the problems before it, surely the hon. Member could never intend to invite the deliberate judgment of the House upon the Amendment at the present time. That would be very disrespectful to the Committee appointed at his own instance; it would amount to an assertion that the Committee was useless; and the hon. Member could not wish to say that, because, in accordance with his wish, the Committee was continuing to take evidence, and had abstained from expressing its views. The Amendment had been understood to be an intimation of certain views which the hon. Member intended to advance; but it had not been supposed that he intended to invite the deliberate judgment of the House upon them, or else the discussion would have taken place at an earlier period, when a larger House might have pronounced an opinion more worthy of the magnitude of the question. He wished to offer one or two ob-

servations on the points which had been raised in the debate. The general subject was one of so much complexity that the more you examined it the more difficult did it seem to be to come to a satisfactory conclusion. If he had been asked 15 years ago whether he would have supported the establishing a Secretary of State for India, with 15 Councillors, he should have opposed any such proposition; but then he would have been viewing the Indian Council as a speculative institution, while now it had to be considered as tested by practical experience. It was obvious that that House was the proper guardian of the people of India, in the last resort, in matters of finance; but by statute it had delegated its authority to the Secretary of State for India in Council. It was therefore of the first importance to see the Council of India was worthy of the confidence of the House and entitled to be maintained, and he hoped the Committee would come to some conclusion upon it. If they were not satisfied with it, he hoped they would not indulge in a mere general statement, but point out how the Council should be re-constituted, or what should be established in its place. As to the course he had taken when out of office, he did not indulge in general utterances; he addressed himself to particular evils, and pointed out specifically what ought to be done. If they passed from the Council to the Viceroy, and his relations to the Governors and their Councils, very difficult questions were raised. In India there were various parties, or rather schools, with different views as to the government of India; and such was the difficulty on the subject that it was idle for any man to assume dogmatic authority in regard to it. He therefore counselled the House not to be hasty in coming to a judgment on the subject. He wished to take that opportunity of doing justice to one of the late Governors, a man of eminent personal merit, Sir Bartle Frere. There was no doubt whatever, from the evidence which had been received up to this time, that there had been a laxity of financial administration in the Presidency of Bombay which had produced most deplorable results. The Committee had not, however, yet examined Sir Bartle Frere or his successor, but in all probability they would be examined before the Committee, and then an

opportunity would be given of answering the charges which had been brought against them. Until then the judgment of the House should be suspended. One of the schools in India was of a very dangerous character; it held that the power of England depended chiefly upon the efforts of men occupying high positions in India. The power of England there depended neither upon the Viceroy nor upon the Governors. It depended, in the first place, upon the British Navy, which kept open the communication with India, and which could throw upon the shores of India a military force which no one in India could withstand; and next, it depended on the power of the British Army, and its ability and disposition to render service in India. But still, within the limits of that power, no doubt every Viceroy, every Governor, every Sub-Governor, and every person in authority in India had enormous opportunities of doing great good to the people of that country. They all had great and important duties to discharge, but they must not be led away by theoretical speculations of their own in regard to the Government of India. His conviction at the same time was that the Government of India was animated by an earnest desire to do what was best for the welfare of the people. He wished to distinguish between the Government of India for the benefit of 200,000,000 and the Government of India for the benefit of the small number of people aggregated together in the towns, who were always expressing their views, no doubt earnestly—it might be conscientiously, sometimes noisily, and not unfrequently offensively—on questions which they said were entirely for the benefit of the 200,000,000, but which other people thought were entirely for the benefit of themselves. Expressions of public opinion from India must be looked at with great discrimination. It was the duty of everyone in this country to take care that he did not mistake the opinions which emanated from small but influential coteries in India for opinions which came from the people in a large sense. Turning now to the question of Indian taxation, hon. Gentlemen were aware that the total income of the Government of India was £48,200,000. Some people were in the habit of saying—"What a tremendous sum to wring from the poor people of

that Empire;" but it was not by political arithmetic of that kind that an intelligent judgment could be formed on the subject. How was the money raised? A sum of £21,180,000 was derived as revenue from the land, and was essentially in its character a land rent, which had existed for a great length of time in India. Everyone held his land in India on condition of paying a land rent, as it was accounted in former times; but the British Government had performed an act of magnificent justice by enfranchising every occupant of the soil in India, and declaring him to be a freeholder, with a saleable title, but stipulating that he should continue to pay a land tax. That arrangement had given every man what he claimed, but could never before obtain—an independent proprietary right. Neither was the opium tax a tax upon the people, because it was paid by the Chinese, who much preferred to smoke opium grown in India to any other; and inasmuch as the opium growers obtained the very best price from the best paymaster—namely, the Treasury—they at least should be content. The expenses of the Mint, the Post Office, Telegraphs, and Law and Justice, were not taxes, but payments for services rendered, and for which value was given. There were many other items of a like character, and the result was that out of £48,286,000 they amounted to £33,594,000, leaving a sum of £14,692,000 of taxation, or 1s. 6d. per head, which it was represented was crushing the people of India. With regard to expenditure, the Committee had examined the matter with the utmost detail, in order to satisfy themselves wherever there was anything wasteful and wherever economies could be recommended. He would not anticipate the conclusions which might be arrived at. He hoped the Committee would apply their minds to the evidence taken, and not shrink from expressing their opinion where economy could be introduced, and make such recommendations as they thought proper. He must at once say that he did not at all agree with the sweeping charges which had been made against the Commander-in-Chief or the Secretary of State for India, and although great exception had been taken to the mode in which the accounts of India were kept, as if they were intended to mystify, yet that was an

entire mistake; the principle on which these accounts were kept was the same that had been adopted in this country. They could not possibly adopt the system of a joint-stock company, which really mystified the shareholders; and the illustration of the recent mistakes in the Post Office was a most unhappy one, because the mistakes which had arisen had been the consequence of a departure from the system. His hope was that they would not be led too hastily into the adoption of any new system connected with Indian finances, agreeing as he did entirely in the opinion expressed by Lord Lawrence that whatever good was to be done would be accomplished by good administration. It was through good administration alone—by fixing on individuals definite responsibility and holding them to their administrative duties, that they could hope to obtain the best Government in India and the most economical results. Each man, in his own sphere, should be definitely responsible, and it should not be like the game of hunt-the-slipper, in which the responsibility was shifted about so that no one could find it. That principle ought to be applied to the conduct of all connected with the Government of India, and the more competent and successful each man was in his own sphere, the more would our Government be likely to conduce to the happiness of the people. After the assurances he had given, he hoped the hon. Member for Brighton would be satisfied with the discussion, and would not ask the House to pronounce an opinion on the Resolution.

MR. FAWCETT asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Accounts considered in Committee.

(In the Committee.)

MR. FAWCETT said, nothing had been advanced in the debate with which he concurred more cordially than he did in the concluding remarks of the right hon. Gentleman the First Commissioner of Works (Mr. Ayrton). As he had said, the principle which ought to guide us in all attempts to reform Indian administration was this—that we should, if possible, endeavour to concentrate re-

sponsibility more than we had done hitherto. The right hon. Gentleman was evidently alluding to some of the facts which had come out before the Committee. Something was done which everyone thought ought not to have been done, and the recurrence of which everyone thought ought to be prevented, and it was impossible to say who was to blame for what had been done. Sir Bartle Frere had written to him (Mr. Fawcett) complaining of the only inaccuracy which, so far, had been pointed out in the long speech he made the other night. The House would remember he was particularly anxious to avoid mention of names, and in that instance he only mentioned the name on being challenged. On referring to the evidence of Lord Lawrence, he found that every statement he had made as to the building of this country house was correct. First, a house was sold without the order of the Governor General, which was an act of insubordination; and the excuse made was that the cost of the new building would not exceed the £35,000 for which the old one had been sold. Lord Lawrence discovered, while it was still incomplete, that it had cost £95,000; he then became angry, and demanded an estimate, but before it was forthcoming an additional £60,000 had been spent; so that this act of insubordination cost £155,000, to which was to be added £20,000 for furniture, making a total of £175,000 for the country house of a local Governor. These facts were corroborated by Lord Lawrence, who was Governor General at the time. On being appealed to as to who was Governor of Bombay at the time, in the course of his speech, he stated that it was Sir Bartle Frere. He now found, on referring to the evidence of Lord Lawrence, that he had done some injustice to Sir Bartle Frere. Part of the transaction was effected during the time he was Governor, and part during the Governorship of Sir Seymour Fitzgerald. Therefore, he ought to have associated with Sir Bartle Frere, Sir Seymour Fitzgerald, and if he had done any injustice he apologized. While saying many things with which he agreed, the right hon. Gentleman (Mr. Ayrton) was entirely silent with respect to local taxation, which the Under Secretary of State for India also passed over very lightly. He believed, if the right hon. Gentle-

man had spoken about it, he would not have been able to restrain his feelings, but would have used language quite as strong as he (Mr. Fawcett) had himself employed. None who had spoken had differed from him except the hon. and learned Member for King's Lynn (Mr. Bourke). It was a great pity that the speech of the hon. Member for the West Riding of Yorkshire (Mr. Denison) was addressed to a House which might have been counted out at any time, for that fact, in his opinion, evinced the listlessness and carelessness of the House on Indian affairs. The hon. Member unintentionally misrepresented him, by assuming he was anxious to prove that the rule of the East India Company was better than that of the present Government. What he said was that the Company rendered this service to India—it enabled an independent Power to give protection to India when unjust demands were made upon her Revenues by the British Government; and one of the problems we had now to solve was to attempt to supply to India that advantage which was associated with the rule of the Company. The hon. Member seemed to agree with him in every respect—and more particularly as regarded local taxation, the millions which had been wasted in irrigation, and the military expenditure—except in what he said as to the propriety of making public the proceedings of the India Council; and, considering the practical acquaintance of the hon. Member with India, the speech of the hon. Member would command quite as much attention in India as anything he (Mr. Fawcett) had himself said. It had been assumed that the income tax afforded a basis for comparing the wealth of India and of England, but England, in proportion to her population, was 56 times as rich as India. It might, perhaps, be considered that that comparison was a delusive test, and therefore he would take another, which had been supplied by the Under Secretary of State for India himself, who stated two or three years ago that the aggregate product of wealth in India was £350,000,000, whereas the aggregate product of wealth in England was £850,000,000 per annum. Thus it appeared that England produced two-and-a-half times as much wealth as India, and he might mention that the calculation of the Under Secretary was corroboro-

rated by the Viceroy of that time. Considering, therefore, that India was seven times as populous as England, the latter country was, in proportion to her population, 18 times more, wealthy than India. These figures showed that, although the taxation in India might be small per head, yet it was a more onerous taxation than was even imposed in this country. Moreover, nine-tenths of the people of India were so miserably poor that the smallest taxation in pecuniary amount represented something taken from what to them was an absolute necessary of life. In conclusion, he wished in justice to himself to state that nothing could be further from his mind than a desire to weaken the legitimate influence of England in India. On the contrary, his object was to make it more fruitful of advantage in the future. He felt certain that India required, above all things, the watchfulness of the House of Commons in order to render our Government beneficial, and to make the people feel that the English Parliament was ready to redress any grievance which might be proved to exist. He was well pleased with the debate that had taken place on the subject, and believed it would satisfy the people of India.

MR. GILPIN said, he had authority to state that Sir Bartle Frere was not responsible for the enormous expenditure referred to by his hon. Friend. The fact was that four years before the completion of the House in question, Sir Bartle Frere had ceased to be Governor of Bombay.

MR. FAWCETT said, he should regret to do any injustice to Sir Bartle Frere, and explained that he merely repeated what Lord Lawrence had stated to the Committee.

GENERAL SIR GEORGE BALFOUR remarked that the evidence was given in the absence of Sir Bartle Frere, who would be able to show that the expenditure was made quite independently of him, and it was unjust to saddle that distinguished statesman with responsibilities which others should bear.

*Resolved*, That it appears by the Accounts laid before this House that the total Revenue of India for the year ending the 31st day of March 1872 was £50,110,215; the charges in India, including the collection of the Revenue, Interest on Debt, and Public Works ordinary, were £37,282,803; the charges in England (including £1,249,040, the value of Stores supplied to India)

were £7,980,017; the Guaranteed Interest on the Capital of Railway and other Companies, in India and in England, deducting net Traffic Receipts, was £1,723,218, making a total charge for the same year of £46,986,038; and there was an excess of Income over Expenditure in that year amounting to £3,124,177; that the charge for Public Works extraordinary was £1,628,474, and that including that charge the excess of Income over Expenditure was £1,495,703.

**Resolution to be reported upon Monday.**

**FOUR COURTS MARSHALSEA (DUBLIN)**

BILL.—[BILL 265.]

(*The Marquess of Hartington, Mr. Secretary Bruce.*)

COMMITTEE.

**Bill considered in Committee (according to Order).**

THE MARQUESS OF HARTINGTON said, that as the hon. and learned Member for Limerick (Mr. Butt) insisted on his Amendment respecting the insertion of a new clause—(Treatment of prisoners removed)—enacting that no prisoner removed from the Four Courts Marshalsea Prison under the Bill should be subject to other rules and regulations than those to which he would have been subject if he had remained in the Marshalsea Prison, it would be necessary for him to abandon the Bill. He would therefore move that the Chairman do now leave the Chair.

**Motion agreed to.** [No Report.]

MR. ADAM stated that it was proposed that the House should sit at three o'clock on Monday.

'House adjourned at Four o'clock till Monday.

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**HOUSE OF LORDS,**

*Monday, 4th August, 1873.*

**MINUTES.]—PUBLIC BILLS—Second Reading—Committee negatived—Third Reading—Duke of Edinburgh's Annuity (273); Consolidated Fund (Appropriation), and passed.**  
**Third Reading—Sanitary Act (1866) Amendment (Ireland)\* (262); Telegraphs\* (266); Militia Pay Acts Amendment\* (269), and passed.**

**DUKE OF EDINBURGH'S ANNUITY**

BILL—(No. 273.)

(*The Earl Granville.*)

**SECOND READING. THIRD READING.**

**Order of the Day for the Second Reading, read.**

EARL GRANVILLE, in moving that the Bill be now read the second time, said, its purpose was to make a provision for the establishment of His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna. The proposal was to give the Duke an annuity of £10,000 a-year from the Consolidated Fund for his life, subject to a condition founded on a previous Act with regard to the contingency of his succeeding to the Sovereignty of a foreign State. It also gave a jointure of £6,000 a-year to the Grand Duchess in case she survived the Duke. Only last week he had the honour of moving an Address to the Crown expressing the readiness of their Lordships to concur in any reasonable provision which the other House might make, and it was cordially adopted. There had since occurred in "another place" just that very small amount of opposition which was sufficient to mark the general feeling of that House on the subject, and he had not the slightest doubt that their Lordships would manifest the same views.

**Moved, "That the Bill be now read 2<sup>a</sup>."**  
 —(*The Earl Granville.*)

THE MARQUESS OF SALISBURY said, he was glad to have the opportunity of bearing his testimony to the excellence of the proposal. He feared that in this House they must forego the luxury of a division and submit to a unanimous vote.

**Motion agreed to;** Bill read 2<sup>a</sup> accordingly; Committee negatived: Then Standing Orders Nos. 37. and 38. considered (according to Order) and dispensed with: Bill read 3<sup>a</sup>, and passed.

**CONSOLIDATED FUND (APPROPRIATION) BILL.**

(*The Earl Granville.*)

**SECOND READING.**

**Order of the Day for the Second Reading, read.**

**Moved, "That the Bill be now read 2<sup>a</sup>."**  
 —(*The Earl Granville.*)

LORD REDESDALE said, this was the only opportunity afforded to him of referring to the payment of £3,200,000 the amount of the Indemnity awarded to the United States by the Geneva Arbitration for what were called the Alabama Claims, and expressed his regret that the argument brought forward by himself on previous occasions—namely, that the re-united States could not be entitled to damages for acts committed by a section of those States—was not urged by the Government. High legal authorities had approved the argument, and had it been urged at the proper time the Indemnity would have been set aside.

THE LORD CHANCELLOR remarked that the objection, had it been urged at all, must have been preferred before the reference of the Claims to Arbitration. The United States would clearly not have consented to a reference to be met by the preliminary objection that there ought to be no reference, and when the two Powers agreed to the Arbitration the argument was *ipso facto* excluded. It was a question of policy whether England should agree to refer the Claims or not, and the country was very urgent with the Government that the matter should be settled, while this was the only mode of settling it.

LORD REDESDALE said, if the argument was excluded when Arbitration was agreed to, why was it urged in our Counter Case and repeated in our Summary? Objection founded on International Law to each separate claim was expressly reserved in the Treaty, and this was a question of International Law.

LORD DENMAN said, that it would be very unfortunate if it were supposed that this country had submitted to an unjust claim. He believed that, after our authorities had too late endeavoured to stop the *Alabama*, that they had confessed they were in the fault, and it was only a question of amount of damages. He considered that if a bystander were to see two persons fairly fighting, and were to hand a knife to one of them, by which he wounded the other, that both the assailant and the sufferer would be entitled to compensation from the abettor—he considered also that it would be contrary to law to re-open the arbitration.

Bill read 2<sup>d</sup> accordingly; Committee negatived: Then Standing Orders Nos. 37. and 38. considered (according to Order) and dispensed with: Bill read 3<sup>d</sup>, and passed.

UNITED STATES—CONSULAR CONVENTION—OFFENCES ON THE HIGH SEAS.  
QUESTION.

LORD MONSON, on behalf of Lord Houghton, asked the Secretary of State for Foreign Affairs, Whether any steps had been taken towards concluding a Consular Convention with the United States of America; and, whether he was prepared to include in such Convention the means of effectively punishing acts of violence committed by the subjects of either nation on the high seas?

EARL GRANVILLE said, the matter had occupied the attention of the Government for a very long time, and the difficulty that had arisen in concluding a Convention had been the necessity of some preliminary legislation on our part. Correspondence had gone on with several foreign Powers, especially with the United States, for 20 years. A Memorandum embodying the views of Her Majesty's Government led some years ago to a proposal by the United States for a Convention, but difficulties arose, principally respecting the question of jurisdiction. The negotiations dropped, and had not been formally renewed with the United States; but there had been some informal communications between Sir Edward Thornton and Mr. Fish, and between General Schenck and himself. They had made some progress in the matter, and a Paper had been prepared embodying the whole question. The Foreign Office was in communication with other Departments of the Government, and he had hopes that some agreement would be arrived at during the Recess which would form the basis of legislation next Session—though he could give no absolute pledge. Of course, in any such scheme, acts of violence at sea would form an important element. Progress had also been made in another way, for by the 11th section of the Merchant Shipping Acts Amendment Act of this Session the Government were empowered by Order in Council to extend to those countries which desired it the provisions of the Merchant Shipping Acts with regard to the enlistment and dis-

charge of seamen. He was not, therefore, without hopes that some progress would be made in a question of considerable importance both to foreign countries and to ourselves. He might add that it was absolutely necessary that something should be done, for an Article in the Treaty of Commerce with France, concluded last month, provided that this was one of the subjects which would form part of a Supplemental Convention.

#### PUBLIC OFFICES—NEW ADMIRALTY AND WAR OFFICES.

##### QUESTION.

LORD REDESDALE asked Her Majesty's Government, Whether, in the plans deposited for "the Admiralty and War Offices Rebuilding Bill," all the land proposed to be taken belonged to the Crown; whether it was intended to apply to Parliament next Session for a similar Bill; whether the lessees and occupiers of any property belonging to the Crown would not have to be compensated in like manner as other lessees and occupiers if their holdings were taken compulsorily; whether, if public offices were built on the Crown lands in the plan referred to, the income from the rents now paid on those lands would not be lost; and, whether the loss of such income ought not to be calculated in estimating the expense in like manner as if such lands had to be purchased from others; whether plans had been prepared, and whether it was intended to pull down the Admiralty.

THE DUKE OF ST. ALBANS replied that the land proposed to be taken was not all Crown property, but the greater part of it belonged to the Crown. No determination had been arrived at respecting any application to Parliament next Session for a similar or any other Bill. There were but four lessees or occupiers of Crown land who would have to be compensated, the remainder of the houses on the Crown land being occupied by the Lords of the Admiralty, the Secretary of State for War, and the Commissioners of Her Majesty's Works. The value of the Crown lands had been considered in the Estimate for the acquisition of the site for the proposed Admiralty and War Office. He need not say that when the houses were in the occupation of public Departments they would

get no compensation for being removed. The sketch plans which were prepared would have required the existing Admiralty to be pulled down.

LORD REDESDALE urged the advantage of concentrating the Public Offices, which were now scattered over Pall Mall, St. James's Square, Whitehall Gardens, and other localities. He objected to the demolition of the Admiralty, and other buildings, which would afford accommodation for many Government purposes, and if the line of public buildings was not continued on the west side of Parliament Street a very unsightly effect would be produced.

LORD DENMAN said, that the noble Lord the Chairman of Committees had, year after year, advised the purchase of the property in the neighbourhood of King Street, and at the present time the state of the space between the India Office and Westminster Abbey was most disgraceful. If Government did not at once purchase the property, and should they hereafter be obliged to buy it, he believed they would have to pay very heavily; because he had been credibly informed that a building lease had been granted by Eton College to an eminent firm on condition of laying out £80,000 upon the land, and most unsightly warehouses might be raised, and Government might have to pay merely for pulling them down. He earnestly hoped that the warnings of the noble Lord the Chairman of Committees might be attended to in time.

#### THE BALLOT ACT—DECLARATIONS OF THE STATE OF THE POLLS.

##### NOTICE.

LORD DENMAN gave Notice that he would early next Session call the attention of their Lordships to the delays which necessarily occurred in making the declaration of the numbers of voters at elections under the Ballot Act. When the Act was passing through Parliament, it was proposed to keep the polls open until 8 o'clock; but that would have made matters worse, for it would have been impossible to observe one of the best provisions of the great Reform Act of 1832—that the elections should be concluded in one day. The recent election at Greenwich—through the intervention of Sunday between the unfinished counting of the votes and the declaration of the poll—showed the incon-

venience that might arise from suspense, and it was to prevent the aggravation of this evil at a General Election that he would call the attention of their Lordships to the subject.

COUNTY COURTS (ENGLAND).  
MOTION FOR A RETURN.

THE LORD CHANCELLOR moved for a Return of the Sittings held by County Court Judges during the six months ending June 30th.

LORD DENMAN said, that, under the Judicature Bill, there seemed a great probability of the business of the County Courts being so extended that the new Palace of Justice would have a great many Courts quite empty. He believed that the Judicature Bill did not carry out the recommendation either of the first or second Report of the Judicature Commission, and that it was contrary to the Report of the Select Committee of the House of Lords, 1872, and, in many points, to the Report of the Select Committee of this year; and he believed that, like the Jew Bill of last century, which was brought in by a Ministry, and in the same year repealed by the same Ministry, that this Bill would undergo the same fate.

*Motion agreed to.*

Return from every County Court in England of the specific days on which the Judge sat in the six months ended the 30th June 1873, together with the following particulars, viz.:

The County Court of holden at  
[Tabular form.]  
—(The Lord Chancellor.)

PRIVATE BILLS.

Standing Orders 159, 176, 178, 179, 182, 184, 185 186A, 189 and Schedule referred to in Standing Order 181 (sect. 1.), considered, and amended; and to be printed as amended.—(The Chairman of Committee.) (No. 274.)

House adjourned at half past Five o'clock, till To-morrow,  
a quarter before  
Two o'clock.

HOUSE OF COMMONS,

Monday, 4th August, 1873.

MINUTES.]—NEW MEMBER SWORN—Thomas William Board, esquire, for Greenwich.  
PUBLIC BILLS—Withdrawn—Factory Acts Amendment [47]; Municipal Elections (Cumulative Vote)\* [206].

The House met at Three of the clock.

LUNACY COMMISSION—DEATH OF MR. COMMISSIONER LUTWIDGE.

QUESTION.

LORD ERNEST BRUCE asked the Secretary of State for the Home Department, Whether his attention has been drawn to the late fatal catastrophe in the private lunatic asylum of Doctors Finch and Lush, near Salisbury, whereby the life of Mr. Robert Skeffington Lutwidge, Her Majesty's Commissioner of Lunacy, an old and valuable public servant, has been sacrificed; whether he has read the recent charge of the learned Lord Chief Baron of the Exchequer to the grand jury of the county of Wilts, in which his Lordship is reported to have said as follows:—

"He meant to throw no imputation upon anybody, but that a great misfortune appeared to have arisen in consequence of a lunatic in an asylum not being sufficiently watched and guarded, and of sufficient means not having been taken to prevent him obtaining possession of anything by which bodily injury could be inflicted. The case was too familiar to all of them. It was matter of notoriety not only in the county, but throughout the Kingdom, that a lunatic possessed himself of a nail of sufficient length and strength, by which he was enabled to inflict a wound, which resulted in the death a few days afterwards of a Commissioner in Lunacy, a gentleman who was respected and esteemed by all who knew him."

and, whether the Secretary of State has taken means to prevent such an occurrence happening again in a private lunatic asylum; and, also, if he can explain to the House how it was that a criminal lunatic, for whom ample provision is now made in the Government Criminal Lunatic Asylum at Broadmoor, where additional precautions are supposed to be taken, was allowed to be an inmate of a private lunatic asylum for a period of upwards of twenty years, the owners of which failed to discover that he was a dangerous lunatic, though it is admitted in evidence that he constantly threatened everybody?

*Lord Denman*

MR. WINTERBOTHAM, in reply, said, the attention of the Home Secretary had been drawn to the subject contained in the Question of the noble Lord, and the right hon. Gentleman had been in communication with the Commissioners of Lunacy on the subject. The asylum in question was, it appeared, one of the best conducted lunatic asylums in England, and the lunatic who killed Mr. Lutwidge was not a criminal lunatic, his sentence having expired. After the termination of his sentence he could be no longer kept in confinement in the Government Criminal Lunatic Asylum at Broadmoor, and he was therefore transferred to the private asylum near Salisbury. The Commissioners had visited the latter asylum annually, and on each occasion they had seen that particular lunatic; but they had not found this man to be a dangerous lunatic, nor recommended special precautions to be taken with regard to him. It was, doubtless, to be regretted that his real character was not previously ascertained; but, of course, accidents of this kind must sometimes occur in lunatic asylums.

POST OFFICE—DELIVERY OF LETTERS.  
QUESTION.

MR. ANDERSON asked the Postmaster General, If the following extract is not a correct statement of a Post Office Rule:—

"Every person whose employment in the service is recognized by the Postmaster General is an officer of the Department. No person under sixteen years of age can be permitted to hold any situation in the Post Office, or to have access to the letters."

if he has made further inquiry as to the Glasgow Post Office, and if the result of that inquiry has been to show that the above Rule had been violated by the employment of boys from fourteen to sixteen years old in the delivery of letters; if it be the fact that last Tuesday a boy who has not completed his thirteenth year was sent out to deliver an important section of the London Mail; and, if he will give the new Postmaster positive instructions and fuller power to make his staff efficient?

MR. MONSELL, in reply, said, the Rule referred to was not invariably acted upon. In London and other places, where there were boy sorters and telegraph boys under 16 years of age, when pressure came upon the Department they were

used for the purpose of distributing letters; and he was informed that when they were so used there were fewer complaints against them than there were on the average against the regular men. He had made inquiries with regard to the Glasgow post office, and found that the Regulation referred to had not been acted upon, because a large number of additional letter carriers, whose appointment had been authorized, had not all been appointed, and therefore boy sorters and telegraph boys had been employed in distributing letters. With regard to the third Question, he was informed that it had no foundation in fact; and, with reference to the last one, the fullest power had been given to the postmaster to make his staff efficient. If the hon. Gentleman represented the feeling of Glasgow, that city must be very ungrateful, for there was no town in the United Kingdom for whose postal arrangements more had been done than Glasgow.

ARMY—CONTROL DEPARTMENT.

QUESTION.

MR. HOLT (for Mr. W. H. SMITH) asked the Surveyor General of the Ordnance, Whether, looking at the large economy as regards establishments effected by the amalgamation in 1870 under the Control Department of the various Supply Departments of the Army, and to the fact that the duties formerly performed by each Department separately are now interchanged between the several cadres forming the Sub-supply and Transport Branch of the Control Department, he will place all the Officers employed in that branch of the Service on the same footing as regards relative rank, pay, and numbers in each grade as that enjoyed by the Officers of the Commissariat cadre?

SIR HENRY STORKS: I have, Sir, to state that the Regulation as regards relative rank and pay of the several cadres of the Supply and Transport sub-departments are already identical. The only difference occurs as regards the numbers in the different grades—a difference which has arisen in consequence of there having been in the Commissariat department, as formerly organized, no officers of the relative rank of lieutenant, while officers of that grade were the most numerous in the other large de-

partments. After all reductions and retirements had been effected, there remained in the Commissariat cadre a considerable number of officers surplus to the normal establishment of the new department, and it was settled in order to avoid the hardship and expense of placing them all on half-pay, that they should remain on the Active List and be reduced gradually, a process which is being carried out. The same reasoning did not apply to the other large departments. So far from there being in them supernumerary officers, it became necessary to make numerous promotions to bring them up to the normal establishment, and there appears consequently no reason to comply with the proposal made by my hon. Friend.

METROPOLIS — SOUTH KENSINGTON AND BETHNAL GREEN MUSEUMS.

QUESTION.

MR. MUNDELLA asked the First Lord of the Treasury, Whether he is yet prepared to inform the House if the Trustees of the British Museum have been consulted as to taking charge of the South Kensington Museum and its affiliated institutions at Bethnal Green, at Dublin, and at Edinburgh; whether it is arranged that such transfer of the direction and control shall take place; if so, whether the Sheepshanks, the Dyce, and other valuable bequests will thereby cease to form part of the National Collections; and, whether he will give Parliament an opportunity of expressing an opinion of the policy of this change before it is carried out?

MR. GLADSTONE: The subject, Sir, is not so susceptible of an easy and speedy determination as my hon. Friend seems to imagine. The Trustees of the British Museum have been consulted on subject of a proposal for the transfer to their control of the South Kensington and Bethnal Green Museums; but the Museums at Dublin and Edinburgh are not included in the proposal. Such consultation was a necessary preliminary to any such proceedings, and my hon. Friend may depend upon it that nothing will be done which is calculated to endanger the Sheepshanks' and other bequests. Moreover, considering the amount of popular interest in the subject, we shall endeavour so to arrange that before any final and definitive step

is taken, there shall be an opportunity for Parliament to express an opinion upon it.

CONTAGIOUS DISEASES (ANIMALS) — REPORT OF THE COMMITTEE. QUESTION.

COLONEL NORTH (for MR. CLARE READ) asked the Vice President of the Council, Whether he contemplates issuing any order to facilitate stamping out pleuro-pneumonia in cattle, or for carrying out any of the other recommendations of the Report of the Contagious Diseases (Animals) Committee?

MR. W. E. FORSTER, in reply, said, that the Report of the Committee on the Contagious Diseases (Animals) Act had just been delivered to hon. Members. That Committee sat nearly through the Session; they had taken much evidence, and had carefully considered the subject. Several suggestions had been offered by the Committee which required the careful consideration of the Government generally; but there were two suggestions which his noble Friend (Lord Ripon) and himself were of opinion ought to be acted upon at once. One was, the recommendation of the Committee, that animals affected with pleuro-pneumonia should be slaughtered. The Committee, on the other hand, did not recommend that animals which came in contact with those which had been affected should be slaughtered. The Privy Council had, consequently, replaced the permissive Order to local authorities, by a General Order, that animals affected by pleuro-pneumonia should be slaughtered, and that compensation for such slaughter should be given to the owners. It was thought that a General Order should be substituted for permissive regulations, in order that the rules as to the diseases of animals should be the same throughout the country. The Privy Council, however, came to the conclusion after close consideration of the question, that it was unadvisable to do anything towards stopping the foot-and-mouth disease, except by the regulations existing in the Act, and that no Order should be issued by the Privy Council, either permissive or general, beyond the regulations of the Act. Lord Ripon and himself had consequently issued an Order to that effect, and both these Orders would

appear in *The Gazette*. Another recommendation was, that a different principle of compensation should be adopted, and that compensation should be given for the amount of loss to the owner of the animals, instead of a fixed sum. The Government would carefully consider that suggestion; but they felt that they could not make the regulation with regard to pleuro-pneumonia without taking the opinion of Parliament, as compensation in cases of cattle plague was fixed by the Act.

#### WAYS AND MEANS—ESTIMATES AND REVENUE.—QUESTION.

MR. WHITE (for Mr. SAWY) asked Mr. Chancellor of the Exchequer, Whether the sum of £430,000, taken from Post Office Revenue to repay moneys taken from Savings' Bank balances would not form part of the general balances and increase the Revenue by that amount; whether, if he still considered himself justified in anticipating that the Post Office Revenue would be nearly equal to that of last year, the Post Office Revenue would not be £480,000 in excess of his Estimate; whether the effect would not be that next April the right honourable gentleman would have the sum of £860,000 to deal with, in addition to his estimated working surplus of £291,000; and, whether the probability of any increase in the Unfunded Debt being necessary at the end of the year was not thereby greatly diminished?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the first Question of the hon. Gentleman I answer in the affirmative. The sum of £430,000 taken from Post Office revenue to repay moneys taken from Savings' Bank balances would form part of the general balances, and increase the Revenue by that amount. The hon. Gentleman's second Question I answer in the negative. The Post Office Estimate for the year 1873-4 was £5,012,000. Had this Estimate been made by the Treasury, ignorant as they were of the fact that a large part of the Post Office revenue had been directed to another purpose, no doubt the observation of the hon. Gentleman would be correct, and we might reasonably expect an increase in the Revenue of the year in proportion to the sum named. Inasmuch, however, as the Estimate was

made by persons in the Post Office who were aware of what had been done with the money, I am afraid that it was allowed for, and that no such increase can be expected. But that is only a small part of the Question. Putting aside this matter of Post Office revenue, diverted for the purpose of repaying money taken from Savings' Bank balances, a large sum belonging to the year 1872-3 has been withheld from the Exchequer. That sum in a Bill just passed is estimated at £812,000. The larger part of this is due to Post Office revenue, and the remainder to Miscellaneous Estimates. That sum will, under the Bill, be paid into the Exchequer, and come into the excess of Revenue as estimated by the Budget, and will therefore tend to swell the estimated surplus of £291,000. On the other hand, that estimated surplus is diminished by Supplementary Estimates—among which heavy expenses for the Metropolitan Police and the Irish Constabulary figure largely—to the extent of from £400,000 to £500,000. The House is aware also that advances for Public Works are made out of balances in the Public Exchequer, and the Estimates which are given us of the loans required for schools and for sanitary purposes under the respective Acts of Parliament are so large that we shall be obliged to ask Parliament for borrowing powers; but, of course, we shall not use them until our balances are exhausted, and this large sum of money to be paid in will interpose an obstacle between us and the necessity for borrowing.

#### SPAIN— CAPTURE OF THE "VIGILANTE." QUESTIONS.

DR. BREWER asked the Under Secretary of State for Foreign Affairs, Whether he is aware of the nature of the interview between the Captains of the "Pigeon" and the war ship of the German Government "Friedrich Karl;" and, what instructions have been issued to the commanders of British vessels in relation to insurgent vessels? ["Oh, oh!" and "Order!"] The hon. Member, to put himself in order, said he would move the Adjournment of the House, and thereupon proceeded to detail the circumstances of the arrest of the Spanish vessel as reported in the newspapers. He thought the part taken

by the officer of the British ship in assisting the officer of the German ship in the arrest of the Spanish vessel, if the accounts which had been published are true, were of a nature to endanger the relations between this Country and Spain.

Motion made, and Question proposed, "That this House do now adjourn."—  
(Dr. Brewer.)

MR. OTWAY said, that before the noble Lord the Under Secretary of State for Foreign Affairs replied, he would take advantage of the Motion for Adjournment, and put the Question which he had placed on the Paper with reference to the same subject, though in a somewhat different form. He was extremely surprised at the impatience shown by the House to the hon. Member for Colchester while asking the Question, for it referred to a matter of the greatest importance, and it was due to the House and to the country that before Parliament separated it should be known what policy the Government had resolved upon with reference to a very complicated state of affairs, and what instructions had been given to the commanders of Her Majesty's ships of war in Spanish waters. He desired as much as possible to avoid anything which might tend to reflect upon any party in Spain, for in its present circumstances the insurgents of to-day might be the Government tomorrow. From a statement in *The Times*, which he read with great surprise, it appeared that an officer of the British Navy had joined with an officer commanding a Prussian ship of war cruising off the Spanish coast in imposing a Convention on the Government alleging itself to be the Government of Cartagena, in insurrection against the Government of Madrid, which Government itself was in insurrection against the Government preceding it. That Convention contained the conditions that until a certain date no vessel should sail from Cartagena, and that the steamer *Vigilante* was to be deemed a lawful prize, in consequence of having borne an unknown flag. He wished to know, whether that British officer had acted in conformity with instructions from the Government, or from our Representative at Madrid; and, if not, whether his conduct was approved by Her Majesty's Government, and what instructions would

be sent to him consequence? He believed that no Minister was more determined than Lord Granville to carry out as far as he could do so the policy of non-intervention; and, having made the sacrifice which we made in a recent case, it was most unlikely we should depart from it now. One word of warning, however, might be given with regard to Spanish affairs. No Power had ever interfered in them without experiencing misfortune. Louis Philippe interfered in Spain and lost his Crown. The same fate befell the Emperor Napoleon and King Amadeus; and, following Spanish affairs into another hemisphere, the Emperor Maximilian had lost both his Crown and his life. He would now ask the Under Secretary of State for Foreign Affairs, Whether any instructions have been sent to Her Majesty's Representative in Spain in consequence of a reported declaration of the Government now in power at Madrid, that ships of the Spanish Navy might be treated as piratical vessels; and, whether any information has been received at the Foreign Office of the seizure of a ship of the Spanish Navy by a Prussian frigate, and of any concerted action between the officer commanding Her Majesty's ship on the station and the Prussian Captain in consequence of that seizure?

MR. MUNTZ said, before these Questions of the hon. Members were answered, he would like to know whether they were based upon well-ascertained facts, or whether they merely went upon what they had seen in the newspapers? Anything which tied the hands of our Representatives might have very serious consequences to British subjects. Notice had been given of the intention to bombard the important City of Malaga, and if there had been no British vessel to prevent that bombardment the result would have been serious loss of British life and property. It was not a question of intervention in Spanish affairs, but of the protection of British subjects settled and engaged in lawful occupations in Spain.

VISCOUNT ENFIELD: I think, Sir, it would have been quite possible for my hon. Friends to have obtained the information they desire without moving the Adjournment of the House, a practice which it is not desirable to encourage in asking Questions. My explanation will be very brief; but I hope it will be

satisfactory both to my hon. Friends and the House generally. It is quite true that the German war ship *Friedrich Karl* arrested a Spanish vessel named the *Vigilante*, which has been subsequently released. We have no particulars as to the nature of the interview between the captains of the *Pigeon* and the *Friedrich Karl*, but, from information received yesterday, we believe that the commander of the *Pigeon* only witnessed the agreement come to between the German and Spanish officers on that occasion. With regard to the instructions sent to our officers, I may state that on the 24th ultimo Her Majesty's Government informed the Admiralty that, with respect to the Spanish ships of war denounced as pirates by a decree of the Government of Madrid, Her Majesty's Government consider that if such vessels commit any acts of piracy affecting British subjects or British interests they should be treated as pirates, the decree of the Spanish Government having deprived them of the protection of their flag; but if they do no such act, they should not be interfered with. Her Majesty's Government have further informed our Naval authorities that they consider that the captains of our vessels are not to surrender or permit the participation of any British officer in any surrender to the Spanish Government of any prisoners detained in revolted ships. Her Majesty's ships are further directed, in the event of any threatened bombardment of any place by the revolted ships, to require its suspension till time has been allowed for placing British lives and property in safety, and to enforce this demand if it be refused. Admiral Yelverton has, I am informed, arrived at Gibraltar with the Mediterranean Fleet.

MR. OTWAY inquired whether the seizure of the Spanish vessel, to which the English captain had given his assent, had occurred in Spanish waters?

MR. GOSCHEN said, he had seen the Report—a telegraphic one—which had reached the Admiralty from Gibraltar; but it gave no particulars as to the place where the seizure occurred.

#### AFRICA—THE WEST COAST SETTLEMENTS—THE ASHANTEE INVASION. QUESTION.

SIR PATRICK O'BRIEN supposed that the Motion for Adjournment might

be treated as an omnibus Motion, and begged to inquire, What course would be taken with regard to the Notice given by the right hon. Gentleman (Sir Charles Adderley) respecting the Ashantee War? It was not right that Parliament should close its sittings without considering the question, and without a statement from the Under Secretary of State for the Colonies as to the policy to be pursued upon the question. He begged to ask the right hon. Gentleman at the head of the Government, Whether he would use his influence to have the discussion of the question brought on that evening?

MR. GLADSTONE, in reply, said, his right hon. Friend was not dependent upon influence of his to bring on the Motion of which he had given Notice. It was a matter which depended altogether upon the will of the House.

Motion, by leave, withdrawn.

#### PALACE OF WESTMINSTER—FACILITIES FOR VISITING THE HOUSES OF PARLIAMENT.—QUESTION.

MR. HOLT (for Mr. HERMON) asked the First Commissioner of Works, Whether he can arrange that 200 or 300 visitors from Lancashire may pass through both Houses of Parliament some day in the week (other than a Saturday) towards the end of the present month, the Lord Great Chamberlain having stated that they can only have that facility on a Saturday, a day on which it is impossible, in consequence of the Railway excursion arrangements, for the persons concerned to be in London?

MR. AYTON, in reply, said, that in consequence of the absence in Scotland of the Hereditary Lord Great Chamberlain, he had not had such communication with him as would enable him to give a precise answer to the Question. He had no doubt the Hereditary Lord Great Chamberlain would be ready to give the necessary facilities to the persons referred to who were desirous of visiting the Houses of Parliament; but as there were a great many applications of a similar sort, the arrangements should be so made as to enable the public at large to take advantage of it. To do that, however, would require more consideration than, from the circumstance to which he had alluded, the matter had yet received.

DIPLOMATIC AND CONSULAR SERVICE  
—H.M. CONSUL AT CONSTANTINOPLE  
—CASE OF MR. PAUL TOMAGIAN.  
QUESTION.

MR. LOCKE asked the Under Secretary of State for Foreign Affairs, to state If there is any, and if any, what objection to explain the grounds on which the Foreign Office has refused to interfere in the matter of the complaint made by Mr. Paul Tomagian, a British subject resident at Constantinople, against Sir Philip Francis, Her Majesty's Consul General and Judge at that place, as set forth in a letter from the said Mr. Tomagian to Lord Granville, dated the 28th of November 1872, in which Mr. Tomagian charges Sir Philip Francis with arbitrary and oppressive conduct towards him, and with denial of justice and abuse of his office?

VISCOUNT ENFIELD: Sir, in declining to interfere on behalf of Mr. Paul Tomagian, the Foreign Office acted under the advice of the Law Officers of the Crown, to whom the Papers relating to Mr. Tomagian's complaints against Messrs. Hanson, the bankers, at Constantinople, were referred. He is not a British subject, but a native of Turkey, who procured British protection some years ago.

DOMINION OF CANADA—THE GUARANTEED LOAN.—QUESTION.

SIR CHARLES W. DILKE asked Mr. Solicitor General, Whether the insertion of the word "may" throughout the Canada Loan Guarantee Act of the present Session does not give the Treasury the power of postponing the issue of the guarantee for any period that may seem desirable?

THE SOLICITOR GENERAL, in reply, said, it would not be fair to answer the Question of the hon. Baronet simply in the affirmative, because it was limited merely to the power of postponing the guarantee. The Act was, in point of fact permissible, and enabled the Treasury to withhold the guarantee altogether, if they thought fit to do so. That was the form usual in such cases, and it gave to the Executive Government authority to grant the guarantee, they being responsible for the exercise of that authority in a proper manner.

POST OFFICE (IRELAND)—DUBLIN LETTER CARRIERS.—QUESTION.

MAJOR TRENCH asked the Postmaster General, Whether it is in contemplation to extend to the letter carriers in Dublin and in the provincial towns in Ireland the benefits recently conferred upon the letter carriers in London, under the regulations giving them increased pay as a reward for length of service and good conduct; and, if not, whether he will take their claims into his consideration?

MR. MONSELL, in reply, said, if the benefits referred to in the hon. and gallant Member's Question meant increase of pay, the pay of the Dublin letter carriers had been already increased. If badges of distinction for good conduct were referred to, it was not intended to extend that regulation beyond the Metropolis.

DRAINAGE (IRELAND) ACTS, 1835 & 1839  
—THE RIVER SHANNON.

QUESTIONS.

MAJOR TRENCH asked the First Lord of the Treasury, Whether the Government is aware that those charged with the carrying into execution of the works designed for the improvement of the Shannon in 1839, when they found that the tenders for their execution far exceeded the amounts at which they were estimated, deliberately substituted other plans for those designed by the Commissioners of 1835, and approved and embodied in the Act passed in 1839; and, whether the Government is aware that this was done with as it were closed doors, that is without those who were to pay for the works, and who were to have been benefited by their full and complete execution, being either consulted or informed upon the subject?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, if the hon. and gallant Member would read his own Question, he would readily excuse him (the Chancellor of the Exchequer) for not having information with reference to the subject of it. The matter alluded to, occurred 34 years ago, and with closed doors, and even the hon. and gallant Member who knew the county so well had only become acquainted with the facts during the last fortnight. He did not see what bearing they had upon the

question of the drainage of the Shannon one way or the other.

MAJOR TRENCH said, that as the right hon. Gentleman the Chancellor of the Exchequer had failed to see that the Question had any bearing on the main question of the drainage of the Shannon, he had to ask, Whether, inasmuch as the carrying out of only one half of the works authorized for the improvement of the Shannon would of necessity leave the lands adjoining that river still subject to inundations, it did not necessarily follow that the action of the Government officials—if correctly described—must be taken to have a very considerable bearing on the present deplorable state of the Shannon?

THE CHANCELLOR OF THE EXCHEQUER said, he could not answer such a Question at a moment's notice, as he could not say whether the statement was correct.

MAJOR TRENCH: Assume it to be correct, and I am prepared to substantiate it.

THE CHANCELLOR OF THE EXCHEQUER: It is not yet proved.

**POST OFFICE SAVINGS BANKS  
DEPARTMENT—INCREASE OF STAFF.  
QUESTION.**

MR. J. G. TALBOT asked Mr. Chancellor of the Exchequer, How soon the partial increase of the staff of the Post Office Savings Bank Department which has been sanctioned by the Treasury, is likely to take effect; and, whether there is any objection on the part of the Treasury to complete the re-construction of that Department?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the first Question should have been put to the Postmaster General. In reply to the second he had to say that the re-construction of the department was being proceeded with, and would, he hoped, soon be completed.

MR. MONSELL, in reference to the first Question, said, that the staff of the Savings Bank department would be increased almost immediately.

**CRIMINAL LAW (IRELAND)—THE  
CONVICT MONTGOMERY.**

**QUESTION.**

COLONEL NORTH asked, If the attention of the Government has been

called to a statement in "The Times" of the 30th of July, that Sub-Inspector Montgomery, who had been sentenced to death for murder, had been interviewed by some reporters; and, whether the regulations of the Gaol admitted of such a proceeding; and, if so, whether he would take steps to prevent its recurrence?

MR. WINTERBOTHAM: Sir, immediately upon the report of the interview with Mr. Montgomery appearing in the Dublin newspapers, inquiry was made through the Inspectors-General of Prisons as to the circumstances under which the interview was permitted. The local Inspector of the Omagh Gaol stated that the reporters for the Press were admitted on a written order from the Sheriff to the Governor, acting, as was supposed, under the provisions of an Act of Parliament. The Sheriff has been called upon for further explanations, and steps will be taken to prevent the recurrence of a similar proceeding.

**CIVIL SERVICE PENSIONS.—QUESTION.**

MR. WATNEY asked the Secretary of the Treasury, Whether, in the case of the retirement of a civil servant, from the abolition of his appointment, it was not usual in calculating the amount of his pension to add ten years to his actual period of service; and, whether, in the case of Mr. John Maclean (now Sir John Maclean), whose retirement allowance was agreed to in January, 1871, this ten years was not added to his period of service; and, whether, in the case of Mr. Walter Freeth, whose appointment as Chief Clerk (Military Department) in the War Office had lately been abolished, due attention had been given by the Treasury to the special recommendations of His Royal Highness the Commander-in-Chief for Mr. Freeth to receive "full pay, or the highest rate of retirement to which his special services seemed to justly entitle him;" and, if not, why not?

MR. W. H. GLADSTONE: Sir, my hon. Friend the Secretary to the Treasury did not receive Notice of the hon. Member's Question in time to be in his place to answer it. In the absence of my hon. Friend I beg to say that it is the practice, at the Treasury, in calculating the amount of pension to be granted to a retiring Civil servant to add 10 years to his actual time of ser-

vice, wherever that service has exceeded 20 years. In the case of Sir John Maclean those 10 years were added. In the case of Mr. Walter Freeth, the recommendation of His Royal Highness the Commander-in-Chief was fully considered by the Treasury, and the only reason he did not receive the addition of the full 10 years was, that if that had been done the effect would have been to raise the pension beyond the limits of two-thirds of the salary, the limit contemplated by the Civil Service Superannuation Act. He therefore only received as much as was sufficient to make the pension two-thirds of the salary.

MR. WATNEY said, that the cases were parallel, as in the one case the amount of service was, he believed, 33 and in the other 34 years.

MR. W. H. GLADSTONE: I do not understand the hon. Member to say that there is a case for the reduction of the pension of Sir John Maclean. If he does, that is a different matter, and should be the subject of another Question.

#### CRIMINAL LAW — THE WEAVERHAM COCK-FIGHTING CASE.

##### QUESTION.

MR. JACOB BRIGHT asked the Secretary of State for the Home Department, Whether the magistrate who on Monday last, at Oldham, is reported to have fined two boys five shillings each for the crime of tossing, is the same person who on the same day was sentenced by the justices at Eddisbury to pay a fine of five pounds for aiding and abetting in cruelty to animals at the recent cock-fight in Cheshire; and, if so, whether he is a fit person to hold the office of magistrate?

MR. BRUCE, in reply, said, he believed the gentleman in question was one of the borough magistrates of Oldham. The case had been referred to the Chancellor of the Duchy, who was the proper person to deal with it.

#### NAVY — CHATHAM DOCKYARD — THE RIVER WALL.—QUESTIONS.

MR. CAWLEY, with reference to a statement that appeared in "The Times" of Thursday as to a part of the river wall at the Gun Wharf, Chatham Dockyard, which recently gave way,

*Mr. W. H. Gladstone*

asked the First Lord of the Admiralty, Whether the statement is true; and, if so, what portion of the river wall was alluded to, and to what extent it has given way?

MR. GOSCHEN, in reply, said, he guessed from the Question that the hon. Gentleman thought the Gun Wharf was within the area of the Dockyard with which the Admiralty was connected. That was an error. It was not within the Dockyard. He had no knowledge of what occurred in the Gun Wharf, which was not in his Department.

MR. CAWLEY asked, Whether he was to understand that the Gun Wharf was no part of the property under the Admiralty, and that the right hon. Gentleman was last week unaware of those facts?

MR. GOSCHEN said, he had already stated that the Gun Wharf was not within the jurisdiction of the Admiralty, and that they had absolutely nothing to do with it.

SIR HENRY STORKS said, the Gun Wharf belonged rather to the War Department than to the Admiralty. He was unable, however, to answer the hon. Gentleman's Question now, having had no Notice of it, but he would endeavour to do so to-morrow.

#### PARLIAMENT—HOUR OF MEETING OF THIS HOUSE.—OBSERVATIONS.

MR. J. LOWTHER said, he was in the House on Saturday, at the time when Notices were usually given; but he failed to gather any intimation that the ordinary practice of the House as to meeting at 4 o'clock was to be departed from that day (Monday). If their Standing Orders and Sessional Orders were so loosely worded that it was in the power of the Government to fix whatever time they chose for the meeting of the House, they might fix on 3 in the morning. There was nothing to prevent the same practice being adopted in the middle of the Session. He would draw attention to that matter next Session with a view to an alteration of the Standing Orders.

MR. GLADSTONE said, he believed it was almost the uniform practice at the close of the Session for such changes in the hour of meeting to be made.

MR. NEWDEGATE said, he had himself called attention to irregularities of that kind. The complaint of the hon.

Member for York was, he thought, well founded. It was impossible for hon. Members to discharge their duty properly if they had not due Notice when to be present.

SIR DAVID WEDDERBURN asked at what hour it was intended that the House should meet to-morrow?

MR. GLADSTONE replied that that did not rest with him. He, however, understood the usual hour was half-past 1.

MR. SPEAKER said, that as to the point raised by the hon. Member for York (Mr. J. Lowther), he might state that the hon. Member for Clackmannan (Mr. Adam) had publicly announced on Saturday afternoon that the House would meet at 3 o'clock on Monday; and Notice to that effect appeared on the Votes.

#### CONSPIRACY LAW AMENDMENT BILL LORDS' AMENDMENTS.

Order for Consideration of Lords' Amendments read.

MR. VERNON HARCOURT, in rising to move that the Lords' Amendments be taken into consideration that day three months, said, as he was about to ask the House to take a course with reference to a Bill in which much interest had been felt out-of-doors, which would put an end to its existence, he must ask indulgence while he stated the grounds of a proceeding of which he felt all the responsibility. So far as the Lords' Amendments tended to restore the Bill to the limited objects with which it was first introduced—namely, a Bill confined to the Law of Conspiracy as affecting trade combinations—he could not and did not demur to those Amendments. The changes, however, effected by the Amendments introduced by the Government in Committee of that House, by which the Bill was transformed into a general Bill dealing with the whole Law of Conspiracy, was a change not only not made at his instance, but against his earnest and repeated protest. He entreated his right hon. Friend the Home Secretary not to persist in such a course, because he foresaw the result which had actually occurred—namely, that the Bill would be wrecked; and he told the right hon. Gentleman that the responsibility of its failure must rest upon those who counselled and insisted upon such a proceeding. He knew the

plausible ground on which that course was adopted. It was said that exceptional legislation in favour of a particular class could not be defended, and that if any alteration was to be made in the law it must be applied to all alike. But it was too late to adopt such a position. Those who resisted the repeal of the Criminal Law Amendment Act and the Master and Servant Act—and Her Majesty's Government were to be reckoned among them—were not in a situation to denounce exceptional legislation. Those Acts were essentially exceptional, creating special penalties against a particular class; and to affirm that penalties ought to be exceptional, but that exemptions must be universal, was a proposition which, in his judgment, was neither logical nor just. It was because the wage-earning classes had been made the subject of legislation which was applied to no other class of the community, and still more to the operation of a Common Law jurisprudence which had affected them with exceptional severity, that that Bill was introduced to apply exceptional remedies to exceptional mischiefs. It was launched as a trade Bill; it was read a second time as a trade Bill. The first set of Amendments put on the Paper by the Government accepted the Bill in its limited character, and if it had been sent up to the House of Lords in that shape, in his opinion it would have been more satisfactorily discussed, and returned in a far less unsatisfactory state. At all events, the House of Lords would not have been able to allege the plausible pretext that they were not prepared, in the last week in July, to review the whole state of the Law of Conspiracy. The delay, probably inevitable, which was caused by that imprudent transformation, wasted just that fortnight which might have secured for the Bill in the other House a more full, and perhaps a more satisfactory, investigation. He did not say that in order to complain of his right hon. Friend; on the contrary, he desired to acknowledge, as he was bound in candour to acknowledge, the sincere desire, both on the part of the Home Secretary and the Law Officers, and also on the part of those who had charge of the Bill in the other House, to pass into law that Session a remedial and adequate measure. That House had to consider the Bill as it had come back to

them. He had seen it stated in the public journals that it had been restored to the state in which it was originally introduced. If it were so, certainly the authors of the Bill would not be the persons who could have a right to complain. It was the same Bill, it was true, in title and in form; in substance it was not the same, but wholly different. The corpse remained; but under those successive transmigrations, the soul had fled, the spirit had evaporated. Let him remind the House what were the evils that the Bill proposed to remedy, and what was the mode of remedy applied. In the case of the gas-stokers, there were two sets of counts in the indictment. The second, upon which the conviction was obtained, was for conspiring to break contracts under the provisions of the Master and Servant Act; and upon that conviction the sentence of 12 months' imprisonment—for an offence which under the Act was only punishable with three months' imprisonment—was passed. Under the first counts, the Judge laid down the law to the effect that it was an offence at Common Law to combine to induce a man to alter his mode of conducting his business, and thereby to coerce his free will. It was plain that such a doctrine, as the right hon. Gentleman the Home Secretary well stated, "turned the whole flank of the legislation of 1871," which declared the legality of trade combinations. If that law was upheld, every strike was in itself, *ipso facto*, a crime punishable with two years' imprisonment. If Parliament was to keep faith with the working classes in respect of the pledges it had given to secure the freedom of labour, it was bound to protect it against the practical supersession of its will by this sort of Judge-made law. No one had a more sincere respect than he had for the sages of the law; but that respect was limited to their legal province—*Cui libet credendum est in arte sua*. Even men so just as Mansfield and Eldon and Ellembrough and Kenyon had laid down doctrines on political and economical subjects which it had been the duty of Parliament to correct, and upon no head of the Common Law had decisions gone more astray than upon trade questions. Indeed, the main object of the Acts of 1871 was to abrogate the whole body of Judge-made law on the doctrine of restraint of trade,

and by it Parliament in 1871 intended to overthrow that mischievous theory. It declared against the old doctrine and repealed it in words; but no sooner was the ancient cobweb swept away than a new mesh was devised, and thence hitherto unknown were spread with the same objects, and as soon as Parliament had declared against one doctrine a new one was invented which escaped the terms of the prohibition; and so it would always be as long as we thought fit to leave the conflict of labour and capital to be adjudicated upon by the unrestricted will of Judges, who, however learned in the law, had not always been remarkable for the largeness of their political or economical views. It was an old and a true saying—*Misera est servitus ubi jus incertum*; and it was to that miserable servitude that the industrial classes of this country had been and still were condemned. Men could not obey the law because they knew not what the law was. What was the present situation? A Judge—nay, two Judges had laid down the law in a manner disapproved by the Government, and condemned by the Law Officers of the Crown; and yet, for all that, until it was reversed it was the law. The Home Secretary had said one thing, and a Judge had laid down exactly the opposite doctrine; but that did not make the thing better—indeed, it made it ten times worse. In that state of things the law and the liberties of men depended on the Judge before whom they were tried. Was that just, was it safe, was it tolerable? Yet we did nothing to remove this uncertainty, and to declare the law. The working classes of this country had demanded—in his judgment they had a right to demand—that the Parliament of England should tell them what was the law by which their right—almost the only right they had, the right of labour—was regulated. The Bill, as introduced, would have met that demand. It declared that the law affecting trade combinations should be found in the will of Parliament as declared in the Statute Book, and that alone. He should be told that that was to supersede the Common Law altogether. Yes, he owned frankly it was his intention, in respect of trade combinations, to exclude the action of the Common Law, which in that matter meant nothing else but the politico-

economic sentiments, it might be the unconscious prejudices, of the Judges. Wise and beneficial as the operation of the Common Law might be, and as he believed it was, in other matters, in respect of its action upon the contests of capital and labour it had never been either wise or beneficial. In that matter Parliament, and Parliament alone, could be trusted. They condemned its old developments by their Acts in 1871; they repudiated its new developments in the debates of 1873; but they had not effectually repealed their operation. The House of Lords had struck out of the Bill the provision which would have confined the indictments for conspiracy in the case of trade combinations to acts made punishable by statute. What was the consequence? The autumn and the winter were coming. You might have new prosecutions and many fresh convictions founded upon principles which the Government condemned, which the Law Officers denounced, which the House of Commons had repudiated, but which Parliament had not legally abrogated. That might be the case under the new doctrine of Common Law conspiracy, or under yet newer doctrines which might be any day extemporized, for the sources from which they flowed were inexhaustible. Men might be condemned and sent to prison for two years under doctrines which no one was prepared to justify, and the Executive Government would be called upon to enforce sentences which they could not approve. Was that a state of things which we could contemplate with tranquillity? Was it a state of affairs which was compatible with the well-being of society? He would ask the noble Amenders of the Bill, was that a Conservative policy? To leave confessed injustice unredressed was to his mind of all things the most revolutionary. That was what the Bill did as now returned to that House. In failing to deal with the vague and indefinite dangers of the Common Law, it afforded no substantial remedy whatever for the substantial grievance which it was intended to redress. A Bill of that character, affording no essential redress, would only be an excuse for future and stronger agitation, for, in his opinion, there was nothing more dangerous or more unstatesmanlike than to deal inadequately with questions so serious in their consequences.

as this:—A sham remedy for a real evil was only a fresh provocation. A measure of that character might only furnish an excuse for abstaining from complete and adequate legislation. But then it would be said, though the Bill might not accomplish all that was desired, at least it did something; and they might be asked to accept it on the ground that half a loaf was better than no bread. If the bread were good and wholesome food, however limited the ration, he should recognize the force of that argument. But how did the case stand? The Bill substantially contained only one provision, for the parts of the old combination laws specified in the Schedule were only of secondary importance. That provision limited the punishment on indictments for conspiracy for breach of contract under the Master and Servants Act to the term of three months, which was the penalty for the principal offence. So far, no doubt, the Bill was valuable. It would be a solemn condemnation, enrolled on the record of Parliament, of the sentence passed in last December on the gas-stokers. In declaring that no such thing should in the future be lawful, it would be—nay, it was—a censure upon the rigour of that transaction, and he must point out to the Home Secretary that it condemned not only the sentence of twelve months, but also the commuted sentence of four months' imprisonment. So far it was a partial reparation for a great, unhappily an irremediable wrong to the men who had suffered, and the fact that both Houses of Parliament had agreed that in such a case, a sentence of three months ought to be the extreme limit of penalty was a fact which could not be got rid of. In the face of such a declaration by the Legislature, whether that Bill passed or whether it did not, it was impossible that in the future such a sentence as that in the case of the gas-stokers could be either passed or executed. But, unfortunately, the case did not rest there. He might have assented to the passing of the Bill in its altered form, had it not been for another consideration. Having consulted with those who made the matter their special study, and particularly with Mr. Wright, he was of opinion that the passing of this Bill, instead of doing good, would only do mischief to those in whose interest it had been introduced.

Under the pretence of limiting the penalty, the Bill did, in fact, affirm the offence, for if they passed the Bill it would give a statutory assent to the doctrine which Parliament had never yet sanctioned—that an agreement to break a contract within the provisions of the Master and Servant Act was a criminal offence properly indictable as a conspiracy. It could not be too often repeated, what, indeed, the hon. and learned Solicitor General had clearly pointed out, that the 14th section of the Master and Servant Act did not constitute an offence, but only supplied an exceptional remedy for the enforcement of a contract under certain circumstances. This Bill would, for the first time, recognize in an Act of Parliament an agreement to break a contract to be an indictable offence. And he would point out to the House that the generality of the language embraced not only the acts within the 14th section, but any act within the purview of the Master and Servant Act. To so dangerous and mischievous a proposition he for one could never assent. In the Bill, as originally introduced, and as finally amended by the Government and sent up to the House of Lords, no indictment for conspiracy could have been laid under the Master and Servant Act. The Government, no less than the promoters of the Bill, were distinctly pledged to this principle. The Master and Servant Act was deliberately excluded from the 1st Schedule, and if it had not been so, he should at once have discharged the Order for the Third Reading of the Bill in that House. How, then, could the promoters—how could the Government, who concurred with them in that view, now turn round and sanction a Bill which affirmed exactly the opposite view? He, for one, was deeply convinced that if he were to do so, he should be chargeable with having betrayed the interests which he had undertaken, however feebly, to defend. He felt painfully the responsibility of this decision. He had asked that the matter should be postponed till this day, in order that he might have an opportunity of conferring with those on whose judgment he relied, and they were distinctly of opinion that the Bill, as it came down to them, would aggravate rather than alleviate the grievances which it was their object to remedy. The Bill would recognize by statutory authority that to which they could not

and must not assent—namely, that that was a crime as between master and servant which was treated as a crime in no other class of the community. He had, therefore, come to the conclusion—and he had come to it with regret—that rather than take such a course it was better to lose the Bill. He recognized all the mischief and all the dangers of the present unsettled state of the law; but this Bill would not settle it. It was a great misfortune, no doubt, that its consideration had been postponed so late; but the responsibility for that did not rest with the promoters of the Bill; and as regarded the limitation of the sentence, it was perfectly sure without the enactment of its provisions. He confessed he could not understand why the Government did not themselves take up the question as soon as Parliament met, especially as the hon. and learned Attorney General had himself told them that so long ago as last January the Law Officers reported to the Government their opinion of the unsatisfactory state of the law as declared in the case of the gas-stokers. But, however that might be, the question had reached a stage at which it could not and would not sleep, and the promoters of the Bill might be content with the reflection that they matured the question by the discussion it had undergone. The law was not amended, but it was condemned, for after the Amendments introduced by the Government, which practically overthrew the whole Law of Conspiracy, it would be their bounden duty—a duty from which he felt sure they would not shrink—to deal with this matter at the earliest moment. He had felt from the first what he felt still more deeply now, that this was a question which ought never to have been in the hands of a private Member; he, however, could not, from the mere vanity of the desire to pass a Bill, assent to a measure which he knew to be insufficient, and which he believed to be unsound. The Government, of course, would deal with the matter as one of the first measures next Session. He preferred, then, to leave it in their hands; but he felt it right to guard himself, when it reappeared, from a complete assent to the principle of the 1st Schedule which they introduced in Committee. He felt bound to say this because the Lord Chancellor was in error in supposing that the promoters of

the Bill, or Mr. Wright, from whose able advice and assistance they had derived so much advantage, ever approved that Schedule, to which they gave a reluctant and involuntary assent. Under all the circumstances of the case, therefore, as they were at the last moment unable to amend the Lords' Amendments, he had no alternative but to abandon the Bill. In doing so, he earnestly trusted he should have the concurrence of the Government in resisting the enactment of a principle the exact opposite of that which pervaded the Bill which, with their assent and support, was sent up to the House of Lords. The Government could not—he was sure they did not desire to—withdraw from the principles laid down in the Bill as amended by themselves; and, therefore, amidst a choice of evils, he was convinced the best course would be to remit the decision of this important matter to the deliberation of another Session—perhaps to the decision of another Parliament—in which questions of social consequence would command a more careful consideration than they had hitherto received. With that conviction, he begged to move what would amount to be the practical rejection of the measure for that Session.

MR. BRUCE said, he was not at all surprised at the course taken by his hon. and learned Friend. On the contrary, he confessed that the Bill as returned to that House was a measure which it was not worth while to pass. In his judgment the subject ought to be postponed until the House could deal with it in a more comprehensive and satisfactory manner. His hon. and learned Friend had dealt with the Law of Conspiracy as far as it affected the relations between employers and employed. For his own part, he denied that workmen as a class were exceptionally treated; although it was, no doubt, true there were certain punishable offences which were rarely committed except by workmen. But in dealing with such cases the right rule seemed to be whether the offences were the proper subjects of punishment. If they were, the circumstance that they were only committed by one class of men in the State was no just or sufficient reason for exempting them from due punishment. The effect of his hon. and learned Friend's Bill, however, was to exempt workmen from

the punishment which certain offences would entail if committed by a person belonging to any other class of the community, and therefore Her Majesty's Government were unable to accept the Bill in the form in which it was originally drawn. They had given the best attention they could to the subject; but the circumstances of the Session were such that it was impossible to send up the Bill at an earlier period. He deeply regretted the loss of the Bill. At the same time, considering the immense importance of the subject, he could not complain of the other branch of the Legislature for having treated the Bill pretty much as they treated others respecting which the course they took was much less excusable. His hon. and learned Friend had referred to two decisions of learned Judges which had "turned the flank" of the Act of 1871. Now, he was only aware of one *dictum*—not a decision, for a *dictum* was not, in any case, a decision—given by Mr. Justice Brett, who did lay down certain positions which, had they become the law of the land, would have effectually defeated the object of the Government, in one respect, in passing the Act of 1871. Had the jury found in accordance with the directions of the learned Judge, he had no doubt by this time there would have been an authoritative declaration whether the learned Judge had laid down the law correctly or not. But the jury did not convict on the ruling of the learned Judge in this respect; and when, shortly afterwards, the same point arose before another learned Judge, his ruling was entirely opposed to that of Mr. Justice Brett. We had, therefore, upon this subject the opinion of Mr. Justice Lush against the opinion of Mr. Justice Brett. It was almost to be regretted that the jury did not follow the ruling of Mr. Justice Brett, because an opportunity would then have been afforded for testing the opinions of the Judges, and Parliament would have been better able to consider whether a change in the law was or was not necessary. With regard to the appeal made by his hon. and learned Friend, he thought the Government, by the action they had taken, had shown that they considered the subject of great importance. While, however, most anxious to assist his hon. and learned Friend in his efforts to amend the law,

he did feel there were objections in the way of dealing with so difficult a question at so late a period of the Session. As to the future, he fully admitted that the matter was one which deserved consideration at the hands of the Government, and if possible, it was advisable that Government action should take place on the question; but he was not prepared to pledge the Government to any definite course on the subject, though it should, of course, receive their careful attention with a view to some satisfactory conclusion being arrived at, and it would be for the Government, having regard to all that had taken place during the present Session, to consider during the Recess what might be proposed for the acceptance of Parliament, especially with regard to the Law of Conspiracy, which both Houses had, by their action, declared to require amendment.

DR. BALL said, that in what had happened in reference to the Bill in "another place," there had been no hostility shown to an improvement in the law. What was said was, that the Bill which proposed such an important alteration of the law had arrived in the other House at so late a period of the Session that it was not possible to obtain the opinion of the Common Law Judges, or of eminent members of the Bar upon it, and therefore it was desirable that there should be some delay in order that that opinion might be ascertained. He (Dr. Ball) entirely coincided in that view. He thought such a change in the law ought not to be made without due deliberation, and he did not regard it as at all a misfortune that the Bill should be postponed, so that it might be fully considered during the Recess, both by the legal profession and by that class of the public whom its provisions would affect.

MR. HINDE PALMER said, that considering the interest with which the working classes naturally regarded the progress of this Bill, he could not concur in the opinion just expressed by the right hon. Gentleman opposite. He thought, on the contrary, that it was very much to be regretted that the Bill should be dropped. Still he agreed that the mode in which the House of Lords had dealt with it was wrong and mischievous. The law, as it now stood, was impaired in public opinion by the criti-

cism passed upon it in this House and by the progress made with this Bill. In his opinion, his hon. and learned Friend was warranted in moving that the Lords' Amendments to the Bill should be considered three months hence, and he regretted that the Government were unable to give a pledge that they would deal with the subject next Session. He regretted also that the hopes entertained by thousands of the working classes for the success of a measure on which their attention was fixed had been frustrated by the Amendments of the other House.

MR. LEITH urged the Government to bring in a Bill on the subject early next Session, seeing the anxious desire there was on the part of the working classes that the matter should be settled, and a fair and satisfactory law passed.

MR. J. LOWTHER said, that the House stood in a peculiar position, for, with the exception of the hon. and learned Member for Oxford, hardly anyone knew what the Lords' Amendments were. They had not been printed, and it was unnecessary to point out the extreme inconvenience of discussing Amendments of which the House absolutely knew nothing. He wished to give Notice that next Session he should move a Sessional Order to the effect that no Amendments of the other House be considered until they have been previously printed and distributed with the Votes.

Question put, and agreed to.

Lords' Amendments to be taken into consideration upon *this day three months*.

#### FACTORY ACTS AMENDMENT BILL.

[BILL 47.]

(*Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Philips, Mr. Cobbett, Mr. Anderson.*)

#### SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [30th July], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is undesirable to sanction a measure which would discourage the employment of women, by subjecting their labour to a new legislative restriction to which it is not proposed to subject the labour of men,"

—(*Mr. Fawcett,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

*Debate resumed.*

MR. T. HUGHES, in supporting the Bill, said, he thought it was a very happy sign of the times when such questions as these were the only questions on which it was possible to raise any class antagonism either in that House, or out-of-doors. He was quite certain that the more such questions were approached, and the more they were treated in a judicial spirit, the better it would be for the country. The hon. Member for Brighton (Mr. Fawcett) had said that the supporters of this Bill were indifferent and hard-hearted towards the employers of labour in the textile fabrics of the country; but, as a matter of fact, many of those supporters were amongst the most eminent of the manufacturers themselves. In fact, they would never pass a measure satisfactory to both sides unless with the hearty concurrence of employers. The general principle of the Factory Acts had now been accepted by the House and the country, and they were all agreed that it was for the good of the nation that work in textile manufactories should be regulated both as to hours and conditions of labour. Therefore, when the present Bill was brought forward four years ago as a much-needed extension in that direction, the Government consented to grant an inquiry into the whole subject. The Report of the Inspectors who had been appointed to inquire into the subject was not only an able document, but eminently fair to both sides. The Report of the Commissioners had been adverse to the views of the hon. Member for Brighton; but the answer of the hon. Gentleman to that was that the facts disclosed by the Report did not justify the conclusions arrived at. The three processes in which persons who were dealt with in the Bill were employed were carefully considered by the Commissioners. Those processes were carding, spinning, and weaving. With respect to carding, the Commissioners reported that the exertion required on the whole was not very great; With regard to spinning, the Report of the Commissioners who were appointed in 1833 showed that the number of spindles to each hand was 112. Now,

in 1873, the smallest number attended to by one hand was 439, and the largest 562; and as to speed, more stretches were done now in two hours and a-half than formerly in 12 hours. There were also no periods of rest now. As to weaving, the Masters' Association admitted that a girl of 17 in 1848 had only two looms to attend to, while she now had four to look after, without any assistance. The throws of the shuttle, too, which were then from 90 to 112 in an hour, were now 175 to 200. The Report of the Commissioners put the whole of these facts in a very plain and brief shape, and he thought the House should attach due weight to the Report of the Commissioners, who had paid such close attention to the subject. Their Report, in his opinion, fully met the objections of the hon. Member for Brighton. He (Mr. Hughes) would at once admit that some compensation was given by improvements which had been constantly accruing in the machinery; but the strain upon the workpeople had been considerably augmented by the fact of bonuses being given to overlookers for the amount of work done. The Commissioners had also reported on the deaths which took place amongst the operatives employed. The ordinary death-rate of women between 15 and 45 years of age, as stated by the Registrar-General's Returns, was 866 in 100,000; but what was the rate amongst those employed in textile manufactures? In Bradford it was 1,048, or 182 in excess; in Halifax it was 1,135, or 269 in excess; and in Keighley it was 1,197, or 331 in excess. Bad as that state of things was, the death-rate of children was still worse. In Manchester, of children under five, it was 48 per cent; and while in the North of England towns the average death-rate of children under one year was 7 per cent, in Manchester alone it was 25 in every 100 of the same age. He contended such a state of things as that required an immediate remedy, notwithstanding anything that his hon. Friend the Member for Brighton might say to the contrary. It was true that individual doctors had given it as their opinion that there was no necessity for any alteration of the Factory Acts; but such was not the opinion of the Medical Chirurgical Society of Manchester, the members of which were strongly in favour of a lessening of the

hours of labour and of increasing the limit of age at which children should be employed. The conclusions at which the Commissioners had arrived were in favour of the Bill of his hon. Friend the Member for Sheffield (Mr. Mundella), and they recommended that the demand for shorter hours should be acceded to. They also recommended that mothers of young children should be only allowed to work half-time, or be excluded from the factory altogether for a time, and that opinion was shared by the Factory Inspectors. He contended that the female hands in factories, who were 80 per cent of the whole, were deeply interested in this question, and were looking to see with considerable anxiety what action the House would take in the matter. He thought that the measure of his hon. Friend was especially necessary now that the Education Act had been passed, and that he would re-introduce it next Session. With respect to the observation of the hon. Baronet (Sir Thomas Bazley) as to the danger we should incur of losing our supremacy in trade if the Bill were passed, he confessed he was not anxious on that score; because as long as the employer maintained the quality of the article he sold so long should we maintain our supremacy. The great danger which we at present ran of being beaten by foreign nations was in consequence of the adulteration which the employers put into the article they sold, the principal of which was the large amount of size, which was to a great extent useless, and which was certainly injurious to the health of the operatives. It appeared, for instance, that in a 19lb piece of cotton no less than 6 lb of size was used, 43 per cent of which was composed of China clay, the remainder consisting of some greasy substance, such as lard or butter, and the whole being mixed up with flour. The great test, however, as to the value of the measure was a personal one, and he asked hon. Members whether they would like any young child of their own to work as these children had to work. He was sure they would not allow it for all the money in Manchester, and he hoped they would therefore bear that fact in mind when considering the question. As far as he was concerned, he hoped and believed that the time was not far distant when working men would

be ashamed to allow their wives to work in factories at all. The sooner that time arrived the better it would be for England; but until then he thought we ought to legislate in such a way as to render the evil of the present system as small as possible, and that he thought the measure of his hon. Friend would, in some degree, effect, and he would therefore urge the House to accept it.

MR. LEITH, in supporting the Bill, wished to corroborate the statement of the hon. and learned Member who had just sat down—that the women engaged in these factories were favourable to the measure. He had presented to the House two Petitions on the subject, one of them being presented from a very large meeting of operatives at Aberdeen, among whom were many women. The argument of the speech of the hon. Member for Brighton was an anachronism. If it had been delivered with reference to the Act of 1844 it would have some force, but the principle of the Bill having then been adopted, it was no use to argue against it now. He believed the Bill to be a politic and philanthropic measure, and he would, therefore, give it his support.

MR. MUNDELLA said, that he rose to put an end to the discussion, which he regretted to see carried on in so thinly-attended a House. He also wished to offer some explanation to the House with regard to his conduct of the Bill. He was unable to obtain an earlier day for the second reading of the Bill than the 11th of June, and on that occasion only one hour and forty minutes were available for the debate. Both the hon. Member for Brighton (Mr. Fawcett) and the right hon. Member for Buckinghamshire (Mr. Disraeli)—whom he thanked for the interest he took in this matter—asked the Prime Minister to give a day for the resumption of the debate, and last Wednesday was fixed for the continuation of the debate. Through some unfortunate circumstances, however, the Report of Supply was not agreed to on Tuesday, and the discussion on it occupied the whole of Wednesday until ten minutes past four o'clock. Feeling, however, that it would then be impossible to secure an adequate discussion of the subject, he went to his hon. Friend the Member for Brighton (Mr. Fawcett), whose speech was stopped by the adjournment on the previous occa-

sion, and who was therefore in possession of the House, and asked his consent to get the Notice read and discharged. His hon. Friend would not agree to that course. He had prepared a speech some months before for the Shop Hours Regulation Bill of the hon. Member for Maidstone (Sir John Lubbock), which was withdrawn, and he could not resist the temptation of launching that philippic against his (Mr. Mundella's) Bill, although it was not appropriate to some parts of the measure. The hon. Member and his Seconder consequently spoke on that occasion until within three minutes of a quarter to six. Though the right hon. Gentleman at the head of the Government offered him (Mr. Mundella) Friday for the resumption of the debate, he did not think it would have been proper under the circumstances to take advantage of that offer; and seeing that nothing further could be gained that Session, he wished, in now proposing that the Order might be read and discharged, to say a few words in reply to the hon. Member for Brighton. In his speech, which was characterized by more than his usual force and eloquence, but with much less than his usual fairness and generosity, the hon. Member showed so many misconceptions and prejudices that it was impossible to allow them to pass unnoticed. The hon. Gentleman had charged him (Mr. Mundella) with casting unjust aspersions on the employers. He did not say what those aspersions were, and all that he (Mr. Mundella) could say was, when he introduced the Bill he had eulogized the employers, and stated that no Acts had ever been more fairly carried out both by employers and operatives than the Factory Acts. The hon. Member took exception to his (Mr. Mundella's) statement that the women were the slaves of their masters. What he stated was, that girls up to a certain age were the servants of their parents, and that when they married, unless they had good and affectionate husbands, they became the slaves of their masters. That statement was a mere re-echo of what had been said by the Manchester Chamber of Commerce. Great pressure was put upon husbands by employers, and working-men husbands who did not wish their wives to go into the mills were told that if they did not bring them they need not come back themselves.

He denied the charge of the hon. Member that he had dealt unfairly with the House in the remarks he had made with respect to the health of the factory children. When making those remarks he had taken care to distinguish between those diseases which the children inherited from their parents and those which were inflicted upon them by the peculiar character of their labour. He had nothing to retract from what he had said on that point, and it would be found by any who took the pains to refer to what he had then advanced that the accusation of the hon. Member could not be substantiated. With regard to overlookers, they were paid according to the amount of work done, and they were thus stimulated to drive the operatives to the utmost possible extent. Thus, a day of ten and a-half hours had come to be a more severe day than it was formerly, and, as a matter of fact, the pressure put upon the workers in factories, not only upon the women but upon men also, by the superintendents was such that both sexes dreaded the approach of what was called making-up day, and frequently endeavoured to make excuses to avoid the chastisement of the superintendents on those days. The hon. Member said that his Bill contained no provisions with regard to accidents and ventilation; but his reply was, that these provisions were in the existing Acts, and that all that was required was that they should be carried out properly. He had been charged with misleading the House with regard to factory legislation abroad. Now, he admitted that so far as adults were concerned, this country was in advance of other countries; but with regard to the employment of children, and educational requirements, the laws in Germany and Switzerland were much more stringent than he proposed to adopt by this Bill. As far as he was concerned, there had been no mis-statement whatever. Passing to the Resolution of the hon. Member, which, in his opinion, was an extraordinary one, he denied that the Bill would have the tendency, as stated in that Resolution, of imposing any novel restrictions on the labour of women. On the contrary, the real effect of the Bill would be to place the labour of women more and more on a parity with that of men. Properly speaking, the Bill might be called one rather to promote

than to restrict the labour of women, by throwing into their hands a great deal of the work now performed by children. The manufacturers, whose views the hon. Member advocated, laughed at his theories, and despised his judgment; and there was not a manufacturer in the country who thought that the measure would have the effect of discouraging the employment of women. Moreover, from 1865 to 1870, the hon. Gentleman had himself been a warm advocate of the Extension of Factory Acts, and was a Member of the Select Committee which had made the largest extensions of the Factory Acts ever yet made, and, therefore, the change which had come over the spirit of his dream ought to be a warning to the House in regard to "new departures" and "new developments." It was assumed that the Bill was promoted by trades unions in order to injure female labour; but it would be remembered that, in some unions, one-half were women, and that there was not the slightest ground for supposing that there was any jealousy between male and female operatives in factories and mills. Then the hon. Member referred to the limitation of labour and increase of wages that had been obtained by the Newcastle engineers without any appeal to Parliament; but what possibility was there of these women and children being able to exert the same power as the Newcastle engineers? The hon. Member had also talked about undermining the independence and character of the working classes. He (Mr. Mundella) asked where independence was to be found if not among the factory operatives? The Government Commissioner during the Cotton Famine stated that he never found men so self-reliant and so ready to adapt themselves to change of work. Although he was about to discharge the Bill, the House had not heard the last of it by any means, for it would be constantly before the nation. It had already been felt in Oldham; there were three candidates at Dundee, and they were all supporters of the Bill. The hon. Member for Manchester (Sir Thomas Bazley) drew a dolorous picture of what was likely to occur if the Bill was passed. The exports were to be £50,000,000 less than now. But did he not say just the same 30 years ago? Well, our exports were then £50,000,000,

and they had now risen to £200,000,000. Hardware had increased in an incredible way; and the manufacturers rivalled the fortunes of princes, and shared the privileges of the aristocracy. He would now move that the Order for the Second Reading of the Bill be discharged.

MR. GOLDSMID said, he strongly objected to the remarks which had been directed against the hon. Member for Brighton (Mr. Fawcett), and the extraordinarily inaccurate review of modern history which had just been delivered. The hon. Member for Sheffield had made his remarks without giving Notice, but the hon. Member for Brighton would remember them another day.

MR. MUNDELLA said, he gave the hon. Member for Brighton Notice on Saturday of what he intended saying on Monday; and the hon. Member thereupon remarked that he would be entitled to a reply.

MR. BRUCE thought his hon. Friend was acting judiciously in withdrawing the Bill in the present stage. As his hon. Friend had given Notice of his intention to move the discharge of the Order for the Second Reading he (Mr. Bruce) was not prepared to enter fully into the subject, nor did he think the House would expect it from him. He would ask his hon. Friend carefully to consider the matter before he accepted the suggestion of his hon. and learned Friend the Member for Frome (Mr. T. Hughes), with reference to the employment of women before and after confinement. His hon. and learned Friend the Member for Frome thought it was an omission on the part of his hon. Friend the Member for Sheffield not to have dealt with that subject. He (Mr. Bruce) doubted that. However much humanity might prompt us to provide against the employment of women before and after confinement, there was one great danger which might be incurred by making such a provision—namely, the danger of promoting infanticide. As to the death-rates in Manchester, it should be recollected that Manchester was not an exclusively manufacturing town. The population of Manchester, like that of Liverpool, was crowded upon an exceptionally small space. The hon. Member for Sheffield, in introducing the Bill, referred to a great increase of the number of accidents in factories.—[MR. MUNDELLA: Not in factories, but in the Factory Inspec-

tar's Returns; and I asked the right hon. Gentleman to account for that.] He was happy to say that there had been no increase, but a decrease in the number of accidents. The gross number of accidents had, no doubt, increased because the number of factories had more than doubled, and the number of persons employed in factories had also doubled. He hoped that next year the House would be called upon to deal with a portion of the subject. The Bill contained valuable provisions; but was open to considerable modifications, and he hoped that it would be well considered, before being re-introduced.

Question put, and agreed to.

Main Question, by leave, withdrawn.

Bill withdrawn.

POST OFFICE—MAIL CONTRACTS  
(TABLE BAY AND ZANZIBAR), AND  
(ZANZIBAR AND ADEN).

MR. BRUCE moved, in the absence of the CHANCELLOR of the EXCHEQUER, That the fresh Contract for the Conveyance of the Mails between Table Bay and Zanzibar with the Union Steam Ship Company be approved.

COUNCIL BARTTELOT thought that in view of what had previously occurred on this subject, some information should be given to the House with regard to the fresh contract, before they were asked to approve it.

THE CHANCELLOR OF THE EXCHEQUER, who was now present, expressed his regret that he had been absent when the matter was called on. The statement he had to make on this subject, which he trusted would be satisfactory to the House, would be a very short one, because the question involved in it had been narrowed to a single point. The House had appointed a Committee to consider and report on the question, and that Committee had decided that it was the duty of the Government to offer the contract to the Union Steam Ship Company on reasonable terms. They did not show exactly what these reasonable terms were to be; the nature of the case, in fact, did not admit of that being done. The Government had, however, undertaken to give effect to the recommendation of the Committee in the form which it assumed, and called upon the Company to state what terms

they were willing to agree to. The result was that the Company had assented to the contract price being reduced from £26,000 to £20,000 per annum. It was, of course, impossible for him to know whether that reduction would appear satisfactory to the House; but, at any rate, it could not be denied that the sum he mentioned was a considerable reduction on the terms for the conveyance of the mails between the two places mentioned in the contract. It was exceedingly desirable that the matter should be settled at once, because otherwise considerable difficulties might arise in reference to it, leading to a stoppage of the Service, which would be a matter of great public inconvenience. He might mention, in illustration of the effect the contract was likely to have, that the Company had already entered into a contract for the conveyance of 500 negroes from Zanzibar to Natal, where they would be employed as free labourers. It would be a great pity were such a promising experiment to be interrupted in consequence of delay resulting from the House refusing to approve this contract. He freely admitted that at this late period of the Session, and taking into consideration the short Notice that had been given, it would not become the Government to press the matter, even were they sure of a majority against any decided objection; but, at the same time, it would be a great misfortune if the subject were merely delayed for any other reason than a real intention to alter the terms of the contract. The Government had endeavoured to meet the wishes expressed by the Committee, and he trusted that the House would think they had succeeded in doing so. He might also mention that there would be no change in the contract to carry the mails from Zanzibar to Aden.

Motion agreed to.

Then—

*Resolved*, That the fresh Contract for the Conveyance of the Mails between Table Bay and Zanzibar with the Union Steam Ship Company be approved.—(Mr. Chancellor of the Exchequer.)

*Resolved*, That the Contract for the Conveyance of Mails between Zanzibar and Aden with the British Indie Steam Navigation Company be approved.—(Mr. Chancellor of the Exchequer.)

House adjourned at  
Seven o'clock.

## HOUSE OF LORDS,

Tuesday, 5th August, 1878.

**MINUTES.**—PUBLIC BILLS—*Royal Assent*—Duke of Edinburgh's Annuity [36 & 37 Vict. c. 80]; Consolidated Fund (Appropriation) [36 & 37 Vict. c. 79]; Slave Trade (Consolidation) [36 & 37 Vict. c. 88]; Slave Trade (East African Courts) [36 & 37 Vict. c. 59]; Law Agents (Scotland) [36 & 37 Vict. c. 63]; Crown Private Estates [36 & 37 Vict. c. 61]; Public Schools (Eton College Property) [36 & 37 Vict. c. 62]; Extradition Act (1870) Amendment [36 & 37 Vict. c. 60]; Ecclesiastical Commissioners [36 & 37 Vict. c. 64]; Court of Queen's Bench (Ireland) (Grand Juries) [36 & 37 Vict. c. 65]; Agricultural Children [36 & 37 Vict. c. 67]; Supreme Court of Judicature [36 & 37 Vict. c. 66]; Militia (Service, &c.) [36 & 37 Vict. c. 68]; Petitions of Right (Ireland) [36 & 37 Vict. c. 69]; Revising Barristers [36 & 37 Vict. c. 70]; Salmon Fishery [36 & 37 Vict. c. 71]; Statute Law Revision [36 & 37 Vict. c. 91]; Defence Acts Amendment [36 & 37 Vict. c. 72]; Public Health Act (1872) Amendment [36 & 37 Vict. c. 73]; Expiring Laws Continuance [36 & 37 Vict. c. 75]; Elementary Education Act (1870) Amendment, &c. [36 & 37 Vict. c. 86]; Endowed Schools Act (1869) Amendment [36 & 37 Vict. c. 87]; Penalties (Ireland) [36 & 37 Vict. c. 82]; Merchant Shipping Acts Amendment [36 & 37 Vict. c. 85]; Railway Regulations [36 & 37 Vict. c. 78]; Constabulary Force (Ireland) [36 & 37 Vict. c. 74]; Royal Naval Artillery Volunteer Force [36 & 37 Vict. c. 77]; Langbaugh Coroners [36 & 37 Vict. c. 81]; Sanitary Act (1866) Amendment (Ireland) [36 & 37 Vict. c. 78]; Telegraphs [36 & 37 Vict. c. 83]; Militia Pay Acts Amendment [36 & 37 Vict. c. 84]; Turnpike Acts Continuance, &c. [36 & 37 Vict. c. 90]; Gas and Water Works Facilities Act, 1870, Amendment [36 & 37 Vict. c. 89]; Elementary Education Provisional Order Confirmation (No. 1) [36 & 37 Vict. c. ccxiv]; Local Government Provisional Orders (No. 6) [36 & 37 Vict. c. ccxvi]; Metropolitan Tramways Provisional Orders [36 & 37 Vict. c. ccxv].

PROROGATION OF THE PARLIAMENT.  
HER MAJESTY'S SPEECH.

The PARLIAMENT was this day prorogued by Commission.

THE LORD CHANCELLOR acquainted the House that Her Majesty had been pleased to grant two several Commissions, one for declaring Her Royal Assent to several Acts agreed upon by both Houses of Parliament, and the other for proroguing the Parliament:—And the LORDS COMMISSIONERS—namely, The LORD CHANCELLOR; The EARL GRANVILLE (Secretary of State for Foreign Affairs); The EARL GOWER;

The LORD CHAMBERLAIN OF THE HOUSEHOLD (The Viscount Sydney); and The LORD STEWARD OF THE HOUSEHOLD (The Earl of Besseborough)—being in their Robes, and seated on a Form between the Throne and the Woolsack; and the COMMONS being come, with their Speaker, and the Commission to that purpose being read, the ROYAL ASSENT was given to several Bills.

Then THE LORD CHANCELLOR delivered HER MAJESTY'S SPEECH, as follows:—

*"My Lords, and Gentlemen,*

" I am now released from the necessity of calling upon you for the further prosecution of your arduous occupations.

" In bidding you farewell for the recess, I make it my first duty to thank you for the loyal promptitude with which you have made further provision for my son the Duke of Edinburgh on the occasion of his approaching marriage with the Grand Duchess Marie Alexandrovna of Russia.

" This marriage will, I trust, form a new tie of amity between two great Empires.

" The best relations continue to subsist between myself and all foreign Powers.

" I am able to announce the successful termination of the Mission to Zanzibar, made known to you at the beginning of the Session. Treaties have been concluded with the Sultan of Zanzibar, with the Imam of Muscat, and with other native Powers, which will provide means for the more effectual repression of the Slave Trade on the East Coast of Africa.

" I have been enabled to bring to a satisfactory issue the Commercial negotiations with France, in which my Government has been for some time

engaged. Under the provisions of an instrument signed on the 23rd of July, and awaiting ratification, the Treaties of 1860 are again put in force, with a comprehensive engagement contracted between the two countries for mutual treatment on the footing of the most favoured nation ; and the differential tax on the British flag has been removed. Separate provisions are contained in the Treaty for the adjustment of the question of mineral oils, and otherwise for the relief and extension of trade.

" I have likewise concluded Treaties of Extradition with Italy, Denmark, Sweden, and Brazil. The ratifications of the two last-named Treaties have not yet been exchanged, but I anticipate no difficulty in this final step ; and I am engaged in negotiations for agreements of a similar character with other States both in Europe and beyond it.

" I am still occupied in giving effect to those provisions of the Treaty of Washington which relate to British claims against the Government of the United States and to the interests of my Possessions in North America.

*"Gentlemen of the House of Commons,*

" I am very sensible of the liberality with which you have provided for the various charges of the State, and have likewise enabled me promptly to meet the obligations imposed upon me by the award of the Arbitrators at Geneva during the past year.

*" My Lords, and Gentlemen,*

" I have observed with satisfaction the progress you have been enabled to make in the remission of public

burdens by reducing both the Sugar Duties and the Income Tax to points lower than any at which they have previously stood.

" The Act for the establishment of the Supreme Court of Judicature forms a distinguished record of your persevering labour, and will be found, as I hope, to confer corresponding benefits on the country in the more cheap, certain, expeditious, and effectual administration of justice.

" The Acts for the Amendment of the Education Act, 1870, and of the Endowed Schools Act of 1869, will, as I trust, tend to accelerate the attainment of solid national advantages through the extension of education both in the middle and the most numerous classes of the community.

" The Act relating to the Regulation of Railways and Canals promises to conduce to the more harmonious working of the Railway system of the country.

" I have with pleasure assented to the Act relating to Merchant Shipping, from which, and from the labours of the Commission recently appointed, I hope for a diminution of the risks to which the seafaring population are exposed.

" The revenue has, up to this time, fully answered my expectations ; and although the activity of trade in some of its branches may have been somewhat restrained by a variety of causes, the general condition of the people continues to exhibit evidences of improvement.

" These and all mercies of Divine Providence will, I trust, find their suitable acknowledgment alike in our words and in our hearts."

Then a Commission for proroguing the Parliament was read.

After which,

THE LORD CHANCELLOR said—

*My Lords, and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Wednesday the Twenty-second day of October next, to be then here holden; and this Parliament is accordingly prorogued to Wednesday the Twenty-second day of October next.

HOUSE OF COMMONS,

Tuesday, 5th August, 1873.

MINUTES.]—PUBLIC BILL.—Withdrawn—Law of Evidence [274].

The House met at half after One of the clock.

LAW OF EVIDENCE BILL.—[BILL 274.]  
(*Mr. Attorney General, Mr. Solicitor General.*)

SECOND READING. BILL WITHDRAWN.

Order for Second Reading read.

THE ATTORNEY GENERAL moved that the Order for the Second Reading of this Bill be read, for the purpose of being discharged. He desired in making his Motion to state that he had never proposed to do more with the Bill this Session than to introduce it, print it for the consideration of Members, and, if he should have the opportunity, endeavour to pass it into law in a future Session. The Bill was one as to which he could claim but little merit; it was the work of his friend Mr. Fitzjames Stephen, whom he had been able to employ in consequence of the kind liberality of the Chancellor of the Exchequer.

Motion agreed to.

Order discharged; Bill withdrawn.

CRIMINAL LAW—MIDDLESEX GRAND JURIES—QUESTION.

MR. EYKYN asked the Secretary of State for the Home Department, If his attention had been called to a statement made before the Assistant Judge at the Middlesex Sessions to the effect, that a person summoned to attend as a Grand Juryman had, on stating that it was inconvenient to attend, received a reply at the office of the summoning officer, "I suppose you are a gentleman;" also an intimation that two guineas was the fee to exonerate from serving on juries?

MR. BRUCE, in reply, said, he had communicated with the Assistant Judge on the subject of the hon. Gentleman's Question, and he had informed him that there was sufficient *prima facie* evidence of the correctness of that statement to warrant him in instituting inquiries. Accordingly, he had instructed the county solicitor to investigate the circumstances of the case, and to take such steps as might be desirable to punish the offender.

SOUTH KENSINGTON MUSEUM.

QUESTION.

MR. GOLDSMID asked the Vice President of the Council, Whether any, and if any, what arrangements have been made to prevent the recurrence of defalcations such as occurred at South Kensington Museum two years ago?

MR. W. E. FORSTER, in reply, said, that his noble Friend (the Marquess of Ripon) and himself, after hearing of the defalcations alluded to in the Question, lost no time in taking steps to render them impossible for the future. It would be difficult to describe those steps in detail; but the result of them was that all extra receipts were paid into the Bank of England every day, and no money was drawn out of the Bank of England for the payment of wages, except on the signature of two persons, and then it was paid at once.

CRIMINAL LAW—THE WEAVERHAM COCK-FIGHTING CASE.—QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for War, Whether the statement is correct which appeared in the Times of 29th July, that Colonel Peel of Hove, Brighton, gave a false

name and address to the police when arrested at the "International Cock-fight;" and, whether that officer is in any way at present under the control of the military authorities; and, if so, whether any steps have been, or are about to be taken by those authorities, touching his conduct in this affair?

SIR HENRY STORKS: Sir, the officer in question is on half-pay, and therefore not subject to the Mutiny Act. The only power which can be exercised over an officer so circumstanced is, that in a very extreme case Her Majesty can be advised to dispense with his services. In the present instance attention having been drawn to the statement in question, an inquiry has been made respecting it.

**THE ROYAL COMMISSION ON OFFICERS  
OF HER MAJESTY'S ARMY—ABOLITION OF PURCHASE.—QUESTION.**

COLONEL NOBTH asked the Secretary of State for War, Whether the Commissioners about to be appointed to inquire into the grievances of the Officers of the Army will have power to examine witnesses?

SIR HENRY STORKS: Certainly; if the Commissioners deem it necessary.

**CIVIL SERVICE SUPERANNUATION  
ACT—CASE OF MR. FREETH.  
QUESTION.**

MR. WATNEY asked the Junior Lord of the Treasury, Whether the 9th section of the Civil Service Superannuation Act (22 Vic. c. 26) does not, for special services, empower the Treasury to grant pensions up to the full amount of salary; and, whether the case of Mr. Freeth, whose appointment as Chief Clerk (Military Department) in the War Office has lately been abolished, does not come within this section; especially as Mr. Freeth has been recommended by His Royal Highness the General Commanding in Chief for "full pay or the highest rate of retirement to which his special services seem to justly entitle him?"

MR. W. H. GLADSTONE, in reply, said, there could be no doubt that the officer in question had discharged his duties praiseworthy. At the same time, the Treasury considered the 9th clause of the Civil Service Superannuation Act could only be applied in cases where the

services were of a peculiar and unusual degree of merit. Though it was quite true that the General Commanding-in-Chief, in forwarding the case for recommendation, did make use of the term "special services," yet neither His Royal Highness nor the War Office particularized any service of such a peculiar degree of merit as to justify the Treasury in applying the section in question.

MR. WATNEY: Do I understand the hon. Gentleman to say that it is necessary for the services to be specially mentioned in order to entitle him to this pension?

MR. W. H. GLADSTONE: There is no rule to that effect.

**NAVY—CHATHAM DOCKYARD—THE  
RIVER WALL.—QUESTION.**

MR. CAWLEY asked the Surveyor General of the Ordnance, Whether the statement contained in the "Times" of Thursday last, that "a party of workmen have commenced sinking for foundations at the Gun Wharf, Chatham, to repair the river wall which recently gave way, and which will cost several thousands of pounds to repair," is true; and, if so, to what extent such wall has given away, and what is the estimated cost of its repair?

SIR HENRY STORKS: Sir, on the 15th of July last about 40 yards in length of the old Gun Wharf wall at Chatham fell into the Medway, and carried with it a small part of the wharf, built about 25 years ago. About 50 yards altogether will have to be re-built. The cause of the wharf giving away is stated to have been due to the drainage, from a large drain which runs through the wall having been impeded by a stoppage at the mouth of the drain, and a consequent accumulation of water at the back of the wall. No estimate can yet be given of the cost of re-constructing the wall. The workmen referred to in the Question of the hon. Member have been employed in examining the site preliminary to a plan and an estimate of the work of re-construction being made.

**PARLIAMENTARY ELECTIONS—DECLARATION OF THE POLL.  
QUESTION.**

MR. MACFIE asked the Secretary of State for the Home Department, If

he intends to take any steps with a view to accelerating ascertainment and declaration of the results of polling in Parliamentary Elections?

MR. BRUCE: Sir, soon after the passing of the Ballot Act, the Home Department, with the assistance of my right hon. Friend the Vice President of the Council, drew up directions for the application of its provisions in a most expeditious way. I am not aware that any improvement can be made in the regulations. I shall be glad to receive any suggestions on the subject; but I would remind my hon. Friend that the casting up of the votes is a laborious task, and that the Secretary of State cannot annihilate space and time.

#### ARMY—PENSIONERS FROM WOOLWICH ARSENAL.—QUESTION.

MR. BOORD asked, Why men at weekly wages, who are pensioned from the Arsenal at Woolwich, are not permitted to commute their pensions in the same manner as salaried officers?

SIR HENRY STORKS: Sir, when the measures for carrying out the Act of 1869 for permitting the commutation of pensions were under consideration, it was determined that the plan should not be extended to the lower ranks of the service—such as labourers in the Government manufactories. Exception was made in favour of cases in which men of those classes were about to emigrate, and for them arrangements have been made by which their pensions may be commuted, the proceeds of such commutation being paid, not to the men, but to the Emigration Commissioners on their behalf. The Government have seen no reason to alter their views on this matter, but continue to hold the opinion that it would not be beneficial to men of these classes to be allowed to commute their pensions, except for the purposes of emigrating.

#### MEXICO—DIPLOMATIC RELATIONS. QUESTION.

MR. H. B. SHERIDAN asked the Under Secretary of State for Foreign Affairs, Whether any communication has been received from the Government of Mexico, or through the Representative of any friendly Power accredited to that Government, on the subject of the renewal of Diplomatic communication with this country; and, if not, whether,

*Mr. Macfie*

considering that the Government of Earl Russell refused the offer of the United States of America to settle with the English bondholders, and thereby used the debt for purposes of State, the present Government is prepared to take steps to protect the property of the English creditors in Mexico—that is to say, the Land and Customs Dues, assigned to the English bondholders, but now being used by Mexico for other financial purposes, notwithstanding such assignments?

VISCOUNT ENFIELD: Sir, no official communication of the nature alluded to in the hon. Member's Question has been received for some time past by the Foreign Office, and in the present state of relations with Mexico Her Majesty's Government are not prepared to take any steps with that country in reference to British claims of any kind.

#### PATENT RIGHTS—INTERNATIONAL CONFERENCE, VIENNA.—QUESTION.

MR. MACFIE asked the Under Secretary of State for Foreign Affairs, Whether he has seen the following statement which appeared in the Continental telegrams to-day:—

"Vienna, Aug. 4.—The first International Patent Congress was opened to-day. The official representatives of the various Governments present were:—England—Mr. T. Webster."

Whether it is or is not correct that Mr. Webster represents the Government of this country; and, if not, whether the Under Secretary does not think it expedient to take means to prevent other misapprehensions that must ensue from that learned Gentleman being received, and his part in the proceedings seeming entitled to be recognized as more than the facts of the case warranted?

VISCOUNT ENFIELD, in reply, said, that he had no reason to believe that Mr. Webster was officially authorized to represent the Patent Law Commission at the International Patent Law Congress at Vienna. He had no doubt that misapprehension on the subject would be avoided by the hon. Member having called attention to the subject.

#### IRELAND—DUNDALK MAGISTRACY. MOTION FOR CORRESPONDENCE.

MR. CALLAN moved for a Copy of Correspondence, and all Documents con-

nected therewith, between the Lord Chancellor of Ireland, his Lordship's Secretaries, and Mr. Callan, M.P., and E. H. MacArdle, esquire, between the 23rd day of December 1868 and the 31st day of July 1869, with respect to the filling up of a vacancy on the Dundalk Bench of Magistrates, by the appointment of the Chairman of the Town Commissioners thereto. The hon. Member said, that as he understood that his Motion would be opposed by the Government, he must very briefly explain the facts. In 1868 there was a vacancy in the Dundalk bench of magistrates for the county of Louth, and he (Mr. Callan) having been recently elected Member for that borough, was requested by a large number of residents to apply to the Lord Chancellor of Ireland for the appointment of Mr. Edward Henry MacArdle, of Cambrickille, to the magistracy. This he (Mr. Callan) did; but received a reply from the Lord Chancellor's secretary, informing him that according to usage the application should, in the first instance, be made to the Lord Lieutenant of the county. He accordingly applied to the Lord Lieutenant, Lord Rathdonnell; and received from that nobleman a curt refusal, no reason or cause being assigned. This ungracious refusal excited much surprise and indignation; and a Memorial was in a few days presented to the Lord Chancellor, stating—

"That Mr. MacArdle had for ten successive years been unanimously elected Chairman of the Dundalk Town Commissioners, during which period he had acted as borough magistrate efficiently, and with satisfaction both to the public and the authorities, and that from his general knowledge and great experience the memorialists felt confident that he would discharge the duties incident to the commission of the peace with credit to himself and advantage to the public."

That Memorial was signed by the most rev. Dr. Kieran, the Archbishop of Armagh, Primate of Ireland, the Member for the borough, and the only two Catholic as well as Liberal magistrates on the Dundalk bench; and the appointment of Mr. MacArdle was advocated by other local authorities, and by the public Press, Liberal as well as Tory. A correspondence with the Lord Chancellor ensued; and in the result the Lord Chancellor, in the exercise of his discretion, sent to Mr. MacArdle the usual documents to be filled up, which were ordinarily trans-

mited by the Lord Lieutenant of the county. Then came the delay and the hesitation of which he (Mr. Callan) complained. The Lord Chancellor plainly shewed that his hesitation arose from no scruple as to overruling the decision of the Lord Lieutenant of the county—other influences came into action, in which Lord Rathdonnell was not concerned—*influences the nature of which he would much prefer should be explained in the words of the Lord Chancellor than by any words of his own.*

Motion made, and Question proposed,

"That there be laid before this House, a Copy of Correspondence, and all Documents connected therewith, between the Lord Chancellor of Ireland, his Lordship's Secretaries, and Mr. Callan, M.P., and E. H. MacArdle, esquire, between the 23rd day of December 1868 and the 31st day of July 1869, with respect to the filling up of a vacancy on the Dundalk Bench of Magistrates, by the appointment of the Chairman of the Town Commissioners thereto."—(Mr. Callan.)

MR. BRUCE (for the Marquess of Hartington) said, that the communications referred to in the Motion were of a confidential nature, and such as it was not usual to produce, and he must therefore oppose the Motion.

Motion, by leave, withdrawn.

#### COUNTIES, IRELAND (LORD LIEUTENANTS AND MAGISTRATES).

##### MOTION FOR A RETURN.

MR. CALLAN moved—

"That there be laid before the House, a Return, as per annexed form, as to each county in Ireland stating the name of Lieutenant and date of his appointment as such; names of the local Magistracy with dates of appointment, distinguishing resident from non-resident, and amount of property for which each Magistrate appears rated for the relief of the poor as Occupier and as Immediate Lessor, and stating whether usually resident or non-resident in County, in a tabular form."

His object in moving for this Return was to obtain the information with respect to counties in Ulster, and more especially as affecting the county of Louth. More than three years since, the then Chief Secretary for Ireland stated, in answer to a Question which he (Mr. Callan) had considered it his duty to put—

"That every influence would be used by the Government to have advantage taken of all fair and proper opportunities to reduce the inequalities admitted to exist in the undue disproportion of Protestants to Catholics on the magisterial bench."

And within the last few days the noble Marquess the Chief Secretary for Ireland, whom he regretted not to see in his place, stated that the promised revision had been completed in 26 counties in Ireland, including the county of Louth; and the noble Marquess took the opportunity of making a statement, not on his own authority, but on that of the Lord Chancellor of Ireland—“That every opportunity had been taken to remove the inequality existing between the Catholics and Protestants, so far at least as the landed property of Catholics would permit, and that there was no dissatisfaction in Ireland with regard to magisterial appointments, save amongst those—including himself—who had not been appointed to the Commission of the Peace.” With regard to the dissatisfaction alleged to exist, he held in his hand a letter from one of the ablest, as he was one of the most retiring and unassuming, Bishops of his Church (the Bishop of Clogher). His Lordship wrote—

“May your efforts prove effectual in causing some improvement of our magisterial condition. I have long believed, and often said, that we, in this province especially, are but half emancipated as long as our magisterial courts are constituted as they are. We are ever made to feel that all the penalties of the law are for us, and all its loop-holes for others. One section of the community feels that it cannot exercise its lawful privileges with safety, whilst another section feels it may defy the law, and violate it with impunity.”

He would content himself with referring to one official document—the Report of the Commissioners of Enquiry held at Dungarvan in 1871, which recommended that where there was no Catholic qualified for the Commission of the Peace, a resident Catholic magistrate should be appointed; and the Lord Chancellor in transmitting this Report to the Lord Lieutenant pointed out that there were places, especially in the North of Ireland, where there was none or a very inadequate representation of Catholics on the bench, and recommended that wherever there was fit and competent persons their appointment should certainly take place. Now, in the county of Louth, where he (Mr. Callan) resided, out of a population of 70,000, 64,000 were Catholics; but out of a magistracy numbering 56 there were only 8 resident Catholics; and of 10 petty sessions benches, there were 5 on which there was not a single Catholic magistrate. Yet the House had Returns of the pro-

perty qualification of the Catholic gentlemen of the county, which would well bear comparison with that of any other gentlemen on the Commission, and who were personally as well qualified in every respect. It might be, and indeed it had been said, that the present Chancellor had, in a great measure, reduced the inequalities existing in other places. He (Mr. Callan) held a Return, extracted from the records of the Hanover Office, Ireland, from which it appeared that since the appointment of the present Chancellor, there had been 17 appointments to the magisterial bench in the county of Antrim, of whom only 1 was a Catholic; in Armagh, 16, of whom only 2 were Catholics; in Cavan, 13, of whom but 4 were Catholics; in Donegal, 19, of whom only 2 were Catholics; in Down, 33, of whom but 4 were Catholics; in Fermanagh, 9, of whom not even 1 was Catholic; in Londonderry, 20 Protestants; and only 1 Catholic; in Monaghan, 10, of whom 2 only were Catholics; in Tyrone, 17 Protestants; and only 1 Catholic. It was clear, then, that since the present Lord Chancellor came into office, instead of reducing the inequalities complained of, he had in reality considerably increased them. He therefore considered himself justified in moving for the Return.

MR. BRUCE said, that the Return would be entirely useless. The hon. Member seemed to imagine that a magistrate must have his qualification in the county for which he was acting. But this was not so—a qualification would enable a magistrate to act in one county as well as in another. A magistrate might become non-resident in the county for which he was originally appointed; but his qualification would enable him to act in the county in which he became resident. Moreover, rateable property was not the only qualification for a justice of the peace. It was clear that the Return was one which ought not to be granted.

MR. NEWDEGATE objected to the Return on the ground that it raised a new qualification. The inference would be drawn that Roman Catholics were excluded from the magistracy on account of their religion, and that the Lord Chancellor ought to appoint a certain number of Roman Catholics, whether they were qualified or not.

Mr. VANCE said, that anyone acquainted with Ireland could vouch for the fact that there was no disposition on the part of the Irish Executive to make any distinction in the appointment of magistrates on account of creed. If Roman Catholic gentlemen were qualified by property and station for the commission of the peace, it was quite a mistake to suppose that there was the least desire to exclude them.

Mr. CALLAN said, that at this time last Session the hon. Member for Peterborough (Mr. Whalley) was adopting a similar line of argument to that now put forth by the hon. Member for North Warwickshire. That hon. Member was said to be at present on his way to America; but his mantle appeared to have fallen on the shoulders of his *fides Achates*, the hon. Member for North Warwickshire (Mr. Newdegate). But the hon. Member was entirely mistaken in supposing that the Return moved for "would give a new qualification." The Return did not ask for the slightest information on the question of religion—it was intended to meet the assertion of the Chief Secretary for Ireland—

"That all fair and proper opportunities had been taken to reduce the inequalities that had existed in the undue disproportion of Protestants to Catholics on the magisterial bench."

That assertion, he was certain, had never been tested by the noble Marquess, who in making it had been merely the mouth-piece of the Lord Chancellor of Ireland. He had already shown by the condition of the county of Louth how far that was from being the fact. He could now state that in Fermanagh, which had a Catholic population of 51,756, there was but one Catholic magistrate, and he was non-resident; while the Protestant population of 40,932 had no fewer than 86 Protestant magistrates. He had no doubt whatever that the failure of the Lord Chancellor of Ireland to purge the magisterial bench of prejudice and partizanship, and to confer

the commission of the peace on men linked to the great body of the people by the sympathy of a common faith, had done much to create dissatisfaction, and had caused the Irish Executive to be as unpopular in Ireland as the conduct of the Chancellor of the Exchequer, during the Session, had tended to make the Government in England.

Mr. MONTAGU CHAMBERS said, the House would very shortly be summoned to "another place," and he deprecated a division which might occur at an awkward moment.

*Motion negatived.*

#### PROROGATION OF THE PARLIAMENT.

Message to attend The LORDS COMMIS-  
SIONERS:—

The House went:—and a Royal Commission to that purpose having been read, the *Royal Assent* was given to several Bills.

And afterwards Her Majesty's Most Gracious Speech was delivered to both Houses of Parliament by The Lord High Chancellor, in pursuance of Her Majesty's Command.

Then a Commission for proroguing the Parliament was read.

After which,

THE LORD CHANCELLOR said—

*My Lords, and Gentlemen,*

By virtue of Her Majesty's Commis-  
sion, under the Great Seal, to us and  
other Lords directed, and now read, we  
do, in Her Majesty's Name, and in obe-  
dience to Her Commands, prorogue this  
Parliament to Wednesday the Twenty-  
second day of October next, to be then  
here holden; and this Parliament is  
accordingly prorogued to Wednesday the  
Twenty-second day of October next.

#### [TABLE OF STATUTES.

# THE EFFECT OF THE LIGHT

ON THE GROWTH OF ZEIN

BY J. R. HARRIS, C. E. COOPER, AND D. M. HORNIG

DEPARTMENT OF ZEPHYRUS AND PLANT PHYSIOLOGY

UNIVERSITY OF TORONTO, TORONTO, CANADA

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TABLE OF ALL THE STATUTES  
PASSED IN THE FIFTH SESSION OF  
THE TWENTIETH PARLIAMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND IRELAND.

36 & 37 VICTORIA.—A.D. 1873.

PUBLIC GENERAL ACTS.

- |                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. An Act for legalizing certain Marriages solemnized in Cove Chapel in Pitt Portion in the parish of Tiverton, Devon.                                                                                                                                                                                                                   | 11. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.                                                                                                                                                                                                       |
| 2. An Act to make special provisions in relation to the Constitution of certain Polling Districts at Parliamentary Elections in Ireland.                                                                                                                                                                                                 | 12. An Act to amend the Law as to the Custody of Infants.                                                                                                                                                                                                                                |
| 3. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, and one thousand eight hundred and seventy-four.                                                                 | 13. An Act to discontinue the Office of Special Commissioners of Salmon Fisheries in England.                                                                                                                                                                                            |
| 4. An Act to confirm an Agreement for a Lease by the Commissioners of Her Majesty's Works and Public Buildings to the Governors and Proprietors of King's College, London, of a piece of land on the Victoria Embankment annexed to Somerset House, and to give the said Commissioners further powers of leasing the said piece of land. | 14. An Act to repeal the Acts relating to the Harbour of Portpatrick in Scotland, and to vest the Lighthouse of Portpatrick in the Commissioners of Northern Lighthouses.                                                                                                                |
| 5. An Act to extend the time for the Epping Forest Commissioners to make their final report.                                                                                                                                                                                                                                             | 15. An Act to amend the New Zealand Roads, &c. Loan Act, 1870.                                                                                                                                                                                                                           |
| 6. An Act to enable Her Majesty by Order in Council to annex the Turks and Caicos Islands to the Colony of Jamaica.                                                                                                                                                                                                                      | 16. An Act to amend the Law relating to Marriages in Ireland in certain cases.                                                                                                                                                                                                           |
| 7. An Act to enlarge the time within which an Address by either House of Parliament against certain Schemes made under the Endowed Schools Act, 1869, may be presented to Her Majesty.                                                                                                                                                   | 17. An Act to provide for the Redemption or Commutation of the Dividend on the Capital Stock of the East India Company; and for the transfer of the Security Fund of the India Company to the Secretary of State in Council of India, and for the Dissolution of the East India Company. |
| 8. An Act to make provision for the Assessment of Income Tax, and as to Assessors in the Metropolis.                                                                                                                                                                                                                                     | 18. An Act to grant certain Duties of Customs and Inland Revenue, and to alter other Duties.                                                                                                                                                                                             |
| 9. An Act to amend the Bastardy Laws.                                                                                                                                                                                                                                                                                                    | 19. An Act for making better provision for the management in certain cases of Lands allotted under Local Acts of Inclosure for the benefit of the Poor.                                                                                                                                  |
| 10. An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.                                                                                                                                                                                                                                | 20. An Act for legalizing Marriages solemnized in Fulford Chapel, in the Parish of Stone, Staffordshire.                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                          | 21. An Act to abolish Tests in Trinity College and the University of Dublin.                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                          | 22. An Act to amend the Law with respect to Customs Duties in the Australian Colonies.                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                          | 23. An Act to amend the Law relating to the grant of Superannuation Allowances and Gratuities to certain persons who entered the                                                                                                                                                         |

[A.D. 1873.]

## TABLE OF THE STATUTES.

[36 &amp; 37 VICT.]

- permanent Civil Service of the State between the passing of the Superannuation Act, 1859, and the fourth day of June one thousand eight hundred and seventy.
24. An Act to continue The Peace Preservation (Ireland) Act, 1870, and The Protection of Life and Property in certain Parts of Ireland Act, 1871.
25. An Act for legalizing Marriages solemnized in Gretton Chapel, in the Parish of Winchcombe, Gloucestershire.
26. An Act to apply the sum of Twelve million Pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-four.
27. An Act to amend the Law relating to Juries in Ireland.
28. An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called "Saint John the Evangelist" Chapel, Eton, in the Parish of Eton, in the County of Buckingham.
29. An Act to alter the Duties of Customs upon Sugar in the Isle of Man.
30. An Act to amend the Law of Registration in Ireland so far as relates to the year one thousand eight hundred and seventy-three, and for other purposes relating thereto.
31. An Act to extend to Suits for Nullity of Marriage the Law with respect to the Intervention of Her Majesty's Proctor and others in Suits in England for dissolving Marriages.
32. An Act to enable the Secretary of State in Council of India to raise Money in the United Company for the Service of the Government of India.
33. An Act to facilitate the Proof of Byelaws and Proceedings of Municipal Corporations in England and Wales.
34. An Act to amend an Act passed in a session held in the sixth and seventh years of the reign of King William the Fourth, chapter one hundred and sixteen, intituled An Act to consolidate and amend the Laws relating to the Presentation of Public Money by Grand Juries in Ireland.
35. An Act to amend the Law relating to Securities for Loans contracted by County Authorities.
36. An Act for making provision as to certain portions of Her Majesty's Woods, Forests, and Land Revenues, and for other purposes relating thereto.
37. An Act to amend the Law relating to Fairs in England and Wales.
38. An Act to amend an Act passed in the fifth year of the reign of His Majesty George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great Britain called England," and to repeal "The Vagrant Act Amendment Act, 1868."
39. An Act to amend the Act of the third and fourth years of Victoria, chapter one hundred and thirteen, for the Regulation of Cathedrals, and to facilitate the Endowment of Canonries by private benefaction.
40. An Act to authorise the acquisition and appropriation by the Metropolitan Board of Works of certain land reclaimed from the River Thames in pursuance of the Thames Embankment Act, 1862.
41. An Act to amend the Public Schools Act, 1868, as to the Property of Shrewsbury and Harrow Schools.
42. An Act for amending the Tithe Commutation Acts with respect to Market Gardens.
43. An Act to enable Indian Railway Companies to issue and register Shares and Securities in India.
44. An Act to facilitate the payment of certain annuities for life or years payable by the Commissioners for the Reduction of the National Debt.
45. An Act to authorise the Commissioners of Her Majesty's Treasury to guarantee the payment of a loan to be raised by the Government of Canada for the construction of public works in that country, and to repeal the Canada Defences Loan Act, 1870.
46. An Act to afford facilities for the Transfer to the Grand Juries of the counties of Cork and Waterford of the Bridge across the River Blackwater, near the town of Youghal; and for other purposes relating thereto.
47. An Act to amend an Act passed in the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, intituled "An Act to authorise the Commissioners of Her Majesty's Treasury to compound the public debt due by the Commissioners of the bridge across the River Blackwater, near the town of Youghal, in the County of Cork, and for the transfer of the said bridge to the Grand Juries of the counties of Cork and Waterford; and for other purposes relating thereto."
48. An Act to make better provision for carrying into effect the Railway and Canal Traffic Act, 1864, and for other purposes connected therewith.
49. An Act to authorise Advances to the Public Works Loan Commissioners for enabling them to make Loans to School Boards in pursuance of the Elementary Education Act, 1870, and to Sanitary Authorities in Pursuance of the Public Health Act, 1872.
50. An Act to afford further facilities for the Conveyance of Land for Sites for Places of Religious Worship and for Burial Places.
51. An Act to amend the Law relating to the Superannuation of Prison Officers in Ireland.
52. An Act for the Relief of Widows and Children of Intestates where the personal estate is of small value.
53. An Act to make better provision respecting certain sums payable to Schoolmasters of Highland Schools under the Act of the session of the first and second years of the reign of Her present Majesty, chapter eighty-seven, intituled "An Act to facilitate the foundation and endowment of additional Schools in Scotland."
54. An Act to raise the sum of one million six hundred thousand pounds sterling by Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-four.
55. An Act to amend the Medical Acts so far as relates to the University of London.
56. An Act to reduce the Limit of the available Balance of the Treasury Chest Fund.

[35 & 37 VICT.]

PUBLIC GENERAL ACTS.

[A.D. 1873.]

57. An Act to make provision for the Redemption of divers permanent Charges on the Consolidated Fund, and on the Votes of Parliament.
58. An Act for making provision for facilitating the Manoeuvres of Troops, to be assembled during the ensuing Autumn.
59. An Act for regulating and extending the Jurisdiction in matters connected with the Slave Trade of the Vice-Admiralty Court at Aden, and of Her Majesty's Consuls under Treaties with the Sovereigns of Zanzibar, Muscat, and Madagascar, and under future Treaties.
60. An Act to amend the Extradition Act, 1870.
61. An Act to explain and amend the Crown Private Estates Act, 1862.
62. An Act to amend section twenty-four of the Public Schools Act, 1868, with respect to the property of Eton College.
63. An Act to amend the Law relating to Law Agents practising in Scotland.
64. An Act for amending the Ecclesiastical Commissioners Acts, 1840 and 1850, and for other purposes.
65. An Act to regulate the summoning of Grand Juries in the Court of Queen's Bench in Ireland.
66. An Act for the constitution of a Supreme Court, and for other purposes relating to the better Administration of Justice in England; and to authorise the transfer to the Appellate Division of such Supreme Court of the Jurisdiction of the Judicial Committee of Her Majesty's Privy Council.
67. An Act to regulate the Employment of Children in Agriculture.
68. An Act for extending the Period of Service in the Militia; and for other purposes.
69. An Act to provide for proceeding on Petitions of Right in the Courts of Law and Equity in Ireland.
70. An Act to amend the Law relating to the appointment of Rovising Barristers and the holding of Revision Courts.
71. An Act to amend the Law relating to Salmon Fisheries in England and Wales.
72. An Act for the Amendment of the Defence Acts, 1842 and 1860.
73. An Act to amend so much of section four of the Public Health Act, 1872, as relates to the Cambridge Commissioners.
74. An Act to amend the Laws relating to the Pay of the Royal Irish Constabulary.
75. An Act to continue various expiring Laws.
76. An Act to make further Provision for the Regulation of Railways.
77. An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force.
78. An Act to amend the Sanitary Act, 1866, so far as the same relates to the Nuisance Authorities of Ports in Ireland.
79. An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-four, and to appropriate the Supplies granted in this Session of Parliament.
80. An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia; and to settle an annuity on Her Imperial Highness.
81. An Act to authorise the division of the Wapentake of Langbaugh in the county of York into Districts for the purpose of Coroners jurisdiction, and the appointment of additional Coroners for the said Wapentake.
82. An Act to amend the Law relating to Small Penalties in Ireland.
83. An Act for explaining the Telegraph Acts, 1868 to 1871, and for enabling a further Sum to be raised for the purposes of the said Acts and of the Pensions Commutation Act, 1872.
84. An Act to explain the Militia Pay Acts, 1868 and 1869, and to facilitate the sale of property held for Militia purposes.
85. An Act to amend the Merchant Shipping Acts.
86. An Act to amend the Elementary Education Act (1870), and for other purposes connected therewith.
87. An Act to continue and amend the Endowed Schools Act, 1869.
88. An Act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual Suppression of the Slave Trade, and for other purposes connected with the Slave Trade.
89. An Act to extend and amend the provisions of the Gas and Water Works Facilities Act, 1870.
90. An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and for other purposes connected therewith.
91. An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

The Acts contained in the following List, being PUBLIC ACTS of a Local Character, are placed amongst the LOCAL AND PERSONAL ACTS.

- i. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Bishop Auckland, Bristol, Cardiff, Ealing, Idle, Lincoln, Newport in Monmouthshire, Warrington, Wigan, and Wrexham.
- ii. An Act to confirm Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, relating to Mulkear River and Kil-dare Drainage Districts.
- xv. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Lough Oughter and River Erne Drainage District.
- xvii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Caterham to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- xviii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- xxiv. An Act to confirm a Provisional Order under "The Land Drainage Act, 1861," relating to Deeping Fen.
- xlii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Abersychan Gas, Ilford Gas, Leominster Gas, Oakengates and St. George's Gas, Redditch Gas, Canterbury Water, Caterham Water, Denbigh Water, Maidstone Water, and Weston-super-Mare Water.
- lx. An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to the town and borough of Wexford.
- lxii. An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Bosham.
- lxiii. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bouldnor, Broadstairs, East Loch Tarbert, Felixstowe, Filey, Fishguard, Fraserburgh, Ilfracombe, Lochaline, Newlyn, and Sandhaven.
- lxxxi. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Fleetwood Gas, Mid-somer Norton Gas, Holywell Water, and Monmouth Gas and Water.
- lxxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Buxton, Clayton, Crewe, Hitchin, Idle, Leyton, Nottingham (two), Shanklin, Walthamstow, Wedlingborough, and Wimbledon.
- lxxxiii. An Act to confirm two Provisional Orders made by the Local Government Board under "The Poor Law Amendment Act, 1867," with reference to the city of Coventry in the county of Warwick and the parishes of Mid Leamant and East Leamant in the county of Sussex, respectively.
- lxxxiv. An Act to confirm a Provisional Certificate made by the Board of Trade under The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Acts 1864, Amendment Act, 1870, for the incorporation of the Widnes Railway Company, and for the construction of the Widnes Railway.
- lxxxv. An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870," for the construction of the Common Road Conveyance Tramway, Kew and Richmond Tramway, Southall, Ealing, and Shepherd's Bush Tramway, and Uxbridge and Southall and Ealing and Brentford Tramway.
- lxxxvi. An Act to confirm a Scheme under "The Metropolitan Commons Act, 1866," relating to Tooting Beck Common.
- lxxxvii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Llanrwst to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- lxxxviii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Llanelli, Carmarthen, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- lxxxix. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Merthyr Tydfil to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- cxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Buxton, Carnarvon, Ealing, Pontypridd, Ravensthorpe, Reading (two), Shipley, Teignmouth, Wheathampstead, Wisbeach and Walsoken (two).
- cxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Baldersby, Bristol, Buxton, Dawlish, Nelson, and Wellington in the county of Somerset.
- cxcvii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to Cardiff, Dewsbury, Batley, and Birstal, Felixstowe and Fagbrough Cliff, Ipswich and Felix-

[36 & 37 VICT.]

PUBLIC GENERAL ACTS.

[A.D. 1878]

- stowe, Leicester, Middlebrough and Stockton, Neath and District, and Newport (Monmouthshire).  
cxcviii. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Upper Gully River Drainage District, Queen's County.  
cxix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland concerning the Local Government of the Borough of Belfast.  
cxxiv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act 1845," and the Acts amending the same.  
cav. An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, for the construction of the London Street Tramways (Saint Pancras Lines), Metropolitan Street Tramways (Extensions), Pimlico, Peckham, and Greenwich Street Tramways (Extensions), and West London Tramways.  
cxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the districts of Ashbourne, Bury St. Edmunds, Epping, Fenton, Richmond (Surrey), Shipley, Stoke, Tong Street, and Ventnor.

## LOCAL ACTS.

*The Titles to which the Letter P. is prefixed are Public Acts  
of a Local Character.*

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| <p>P. i. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Bishop Auckland, Bristol, Cardiff, Ealing, Idle, Lincoln, Newport in Monmouthshire, Warrington, Wigton, and Wrington.</p> <p>P. ii. An Act to confirm Provisional Orders under "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, relating to Mulkear River and Kildare Drainage Districts.</p> <p>iii. An Act for amending and extending Enactments relating to the Company of Proprietors of the Sheffield Waterworks; and for other purposes.</p> <p>iv. An Act for better supplying with Water Grantham and its neighbourhood, in the county of Lincoln.</p> <p>v. An Act to grant further powers to the King's Lynn Dock Company; and for other purposes.</p> <p>vi. An Act to enable the Vestry of Saint Mary-lebone to grant a Lease of, and otherwise deal with, Surplus Lands acquired by them in making Street Improvements.</p> <p>vii. An Act for amending and extending the Thames Embankment Acts, 1863 and 1864; and for other purposes.</p> <p>viii. An Act to enable the Manchester and Milford Railway Company to construct a Branch Railway to Devil's Bridge; and for other purposes.</p> <p>ix. An Act for making Provision for Administration of the Reserved Fund of the European Assurance Society; and for other purposes.</p> <p>x. An Act to authorise the Town Council of the Burgh of Montrose to sell, fow, or lease the South Links; and for other purposes.</p> <p>xi. An Act for granting further Powers to the Leicester Gas Company.</p> <p>xii. An Act for making and maintaining a Bridge across the River Severn at Shrewsbury, with Approaches thereto; and for other purposes.</p> <p>xiii. An Act to authorise the construction of a Dock at South Alloa, in the county of Stirling; and for other purposes.</p> <p>xiv. An Act to authorise the London, Chatham, and Dover Railway Company to make Branch Railways to Chatham Dockyard; and for other purposes.</p> <p>P. xv. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same, relating to Lough Dugha and River Erne Drainage District.</p> | <p>xvi. An Act for transferring the Undertaking of the Company of Proprietors of the Tavistock Canal to the Duke of Bedford; and for other purposes.</p> <p>xvii. An Act for vesting the undertaking of the Chesterfield Market Company in the Corporation of Chesterfield; and for other purposes.</p> <p>xviii. An Act for incorporating and conferring Powers on the Pontefract, Tinsley, and Castleton Gas Company.</p> <p>xix. An Act to authorise the Wakefield Waterworks Company to make a new reservoir, and to raise more money; and for other purposes.</p> <p>xx. An Act for extending the Limits within which the Derby Waterworks Company may supply Water; and for empowering them to construct additional Works and to raise additional Capital; and for other purposes.</p> <p>xxi. An Act for dissolving the Chigwell and Woodford Bridge Gas Company [Limited], and for incorporating and conferring powers on the Chigwell, Loughton, and Woodford Gas Company; and for other purposes.</p> <p>P. xxii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Caterham to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.</p> <p>P. xxiii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.</p> <p>P. xxiv. An Act to confirm a Provisional Order under "The Land Drainage Act, 1881," relating to Deeping Fen.</p> <p>xxv. An Act for making a railway from the Tiverton Junction Station of the Bristol and Exeter Railway to near Hemyock, all in the County of Devon, to be called the Culm Valley Light Railway; and for other purposes.</p> <p>xxvi. An Act to enable the Brighton Aquarium Company to raise additional Capital.</p> <p>xxvii. An Act for incorporating and conferring Powers on the Blackpool Sea Water Company.</p> <p>xxviii. An Act for incorporating and granting powers to the Aberystwyth Gas Company to enable them to supply with gas the borough of Aberystwyth and its neighbourhood; and for other purposes.</p> |
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- xxix. An Act to incorporate a Company for supplying with Water the City of Chichester and certain Parishes and Places adjacent thereto, in the County of Sussex.
- xxx. An Act for granting additional powers to the Australian Agricultural Company, and for amending the Acts relating to that Company; and for other purposes.
- xxxi. An Act relating to the leasing of part of the Glebe Lands of the Rectory of Penshurst in the County of Kent.
- xxxii. An Act to enable the Swansea Harbour Trustees to raise a further sum of money for the purposes of their Undertaking; and for other purposes.
- xxxiii. An Act to authorise the Neath New Gas Company to raise additional capital, and for other purposes.
- xxxiv. An Act for rendering valid certain Letters Patent granted to Benjamin Joseph Barnard Mills for Improvements in the Manufacture of Boots and Shoes and in Machinery employed therein.
- xxxv. An Act for conferring further powers upon the Sevenoaks, Maidstone, and Tunbridge Railway Company for the construction of Works, and otherwise in relation to their undertaking; and for other purposes.
- xxxvi. An Act to extend the time for the construction of Works authorised by "The Glasgow Corporation Waterworks Amendment Act, 1866," and to abandon part of the Works; and for other purposes.
- xxxvii. An Act for conferring additional powers on the Glasgow and South-western Railway Company for the construction of railways and works and the acquisition of lands; for defining their capital; and for other purposes connected with their undertaking.
- xxxviii. An Act to enable the Board of Police of Glasgow to make and maintain new streets and other improvements in the city of Glasgow.
- xxxix. An Act for making a new Road or Street in substitution for a portion of the Athkynshead Road, in the parish of Govan and county of Lanark; for discontinuing as a public thoroughfare the said portion of road; and for other purposes.
- x. An Act to amend and enlarge some of the Powers and Provisions of the Acts relating to the South Eastern Railway Company.
- xli. An Act to revive and extend some of the Powers of the Worcester, Bromyard, and Leominster Railway Company.
- P. xlii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works/Facilities Act, 1870, relating to Abercychan Gas, Ilford Gas, Leominster Gas, Oakengates and St. George's Gas, Redditch Gas, Canterbury Water, Caterham Water, Denbigh Water, Maldstone Water, and Weston-super-Mare Water.
- xliii. An Act to confirm an Agreement between the Cape Railway Company and the Local Government of the Cape of Good Hope for the sale and transfer of the Company's undertaking, and to provide for the winding-up of the affairs of the Company; and for other purposes.
- lv. An Act for authorising the Rhymney Railway Company to abandon their Caerphilly
- Rumney Branch Railway, and to raise further moneys; and for other purposes.
- lv. An Act to empower the Grand Junction Waterworks Company to acquire additional lands in the parish of Hampton.
- lvii. An Act for granting further powers to the Bristol and Portishead Pier and Railway Company.
- lviii. An Act to authorise the Local Board of Health for the District of Burley to construct Waterworks and supply Water within their District, and to purchase certain existing Waterworks; and for other purposes.
- lviii. An Act for making a Railway in the county of Cumberland, to be called the Ravenglass and Eskdale Railway; and for other purposes.
- lxix. An Act to enable the Dock Company at Kingston-upon-Hull to raise additional capital.
- l. An Act to vest the Tay Ferries in the Dundee Harbour Trustees, and to authorise them to work and manage the Ferries; and for other purposes.
- li. An Act for amending the Acts relating to the Harbour of Ayr; for altering the constitution of the Ayr Harbour Trust; for enabling the Ayr Harbour Trustees to borrow an additional sum of money; and for other purposes.
- lii. An Act to extend the powers of the Scarborough Gas Company, and for other purposes.
- liii. An Act to authorise the Scarborough and Whitby Railway Company to extend their line to join the North-eastern Railway at Scarborough, and the Whitby, Redcar, and Middlesborough Union Railway near Whitby; to alter the levels of their authorised lines near Whitby; to raise additional capital; and for other purposes.
- liv. An Act for conferring further powers upon the Sheffield and Midland Railway Companies Committed and upon the two Companies represented upon that Committee; and for other purposes.
- lv. An Act to extend the time for the completion of certain of the Works authorised by the Pimlico, Peckham, and Greenwich Street Tramways (Extensions) Act, 1870.
- lv. An Act to authorise the Local Board for the district of Buxton to construct Waterworks and supply Water; also to purchase Land for Gasworks; and for other purposes.
- lvii. An Act for incorporating and conferring powers on the Pontypool Gas and Water Company.
- lviii. An Act for conferring further powers on the Bristol United Gaslight Company.
- lix. An Act to enable the Crystal Palace District Gas Company to raise additional Capital; and for other purposes.
- lx. An Act for extending the time for the completion of the Cleethorpes Promenade Pier, and for amending the Cleethorpes Promenade Pier Order, 1867; and for other purposes.
- P. lxi. An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to the town and borough of Wexford.
- P. lxi. An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Brixham.

- P. lxxii. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bouldnor, Broadstairs, East Loch Tarbert, Felinstowe, Filey, Fishguard, Fraserburgh, Ifracome, Leochaline, Newlyn, and Sandhaven.
- lxxiv. An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Swansea, acting as and for the Urban Sanitary Authority for the district of Swansea under "The Public Health Act, 1872," to complete and improve certain works authorised by "The Swansea Local Board of Health Waterworks Act, 1866," and to raise a certain sum of money; and for other purposes.
- lxxv. An Act to amend and continue the "Lagan Navigation Act;" and for other purposes.
- lxxvi. An Act to authorise the Great Western and Bristol and Exeter Railway Companies to extend the Bristol Harbour Railway, and to make a new Wharf Depot; and for other purposes.
- lxxvii. An Act to authorise the Stockton Municipal Corporation to raise more money for the purposes of their gas supply, and to amend the Stockton Gas Acts, 1867 and 1868.
- lxxviii. An Act for authorising or making further provision as to the lease, sale, or transfer of the railways or the amalgamation of the undertakings of other companies to or with the undertaking of the London and South-western Railway Company.
- lxxix. An Act to empower the Local Board of Health for the district of Over Darwen, in the county of Lancaster, to acquire the undertakings of the Darwen Waterworks Company and of the Over Darwen Gaslight Company; and for other purposes.
- lxx. An Act for making a railway from Llanfyllin to Langynog, in the counties of Montgomery and Denbigh; and for other purposes.
- lxxi. An Act for authorising the London and South-western Railway Company to make additional railways; and for other purposes.
- lxxii. An Act to enable the North Wales Narrow Gauge Railways Company to lease their Moel Tryfan Undertaking to Hugh Beaver Roberts.
- lxxiii. An Act for re-incorporating and giving additional Powers to the Bournemouth Gas and Water Company; and for other purposes.
- lxxiv. An Act for incorporating and conferring powers on the Harrow Gaslight and Coke Company (Limited).
- lxxv. An Act to amend the Sutton, Southcoates, and Drypool Gas Act, 1867 (additional lands, power to manufacture and store gas thereon, repeal of provisions of former Act).
- lxxvi. An Act to authorise the construction of the Wrexham District Tramways, and for other purposes.
- lxxvii. An Act for authorising the Manchester, Sheffield, and Lincolnshire Railway Company to make new Branch Railways, for conferring upon them additional powers; and for other purposes.
- lxxviii. An Act to extend the time granted by "The North Metropolitan Tramways Act, 1870," for the construction of works within the city of London.
- lxxix. An Act to authorise the Kington and Eardisley Railway Company to make a Rail-
- way from the Leominster and Kington Railway at Kington to New Radnor, and for other purposes.
- lxxx. An Act for better supplying with Water certain parishes and districts in the counties of Hertford and Middlesex.
- P. lxxxi. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Fleetwood Gas, Mid-somer Norton Gas, Holywell Water, and Monmouth Gas and Water.
- P. lxxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Baxton, Clayton, Crewe, Hitchin, Idle, Leyton, Nottingham (two), Shanklin, Walthamstow, Wellingborough, and Wimbledon.
- P. lxxxiii. An Act to confirm two Provisional Orders made by the Local Government Board under "The Poor Law Amendment Act, 1867," with reference to the city of Coventry in the county of Warwick and the parishes of Mid Lavant and East Lavant in the county of Sussex, respectively.
- P. lxxxiv. An Act to confirm a Provisional Certificate made by the Board of Trade under The Railways Construction Facilities Act, 1864, and The Railways (Powers and Construction) Act, 1864, Amendment Act, 1870, for the incorporation of the Widnes Railway Company, and for the construction of the Widnes Railway.
- P. lxxxv. An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, for the construction of the Common Road Conveyance Tramway, Kew and Richmond Tramway, Southall, Eding, and Shepherd's Bush Tramway, and Uxbridge and Southall and Ealing and Brentford Tramway.
- P. lxxxvi. An Act to confirm a Scheme under "The Metropolitan Commons Act, 1866," relating to Tooting Beck Common.
- lxxxvii. An Act to enable the Navan and Kingcourt Railway Company to make Deviations in their Railways; and for other purposes.
- lxxxviii. An Act for establishing the Railway Clearing System Superannuation Fund Association.
- lxxxix. An Act for granting further powers to the Belfast Gaslight Company.
- xt. An Act to grant further powers to the Great Northern Railway Company with relation to their undertaking; and for other purposes.
- xvi. An Act to empower the Dublin Tramways Company to construct new tramways; and for other purposes.
- xvii. An Act for declaring the boundary of the Borough of Bootle-cum-Linacre, in the County of Lancaster, and for other purposes.
- xviii. An Act to extend the time for completion of Tramways authorised by "The Birmingham Tramways Act, 1870," to be constructed; and for other purposes.
- xix. An Act for empowering the Local Board for the District of Atherton in the parish of Leigh in the county of Lancaster to make and supply Gas; and for confirming an Agreement between them and the Atherton Gas Company, Limited, for the purchase of that Company's undertaking; and for other purposes.

[36 & 37 VICT.]

LOCAL ACTS.

[A.D. 1873.]

- xcv. An Act for the Local Government of the parish of Hove in the county of Sussex; and for other purposes.
- xcvi. An Act for amending and extending the Birmingham West Suburban Railway Act, 1871; and for other purposes.
- xcvii. An Act to extend the time limited for the completion of the Bridge and other works authorised by "The Albert Bridge Act, 1864," "The Albert Bridge Act, 1869," and "The Albert Bridge Act, 1871," and to continue and enlarge the powers of such Acts; and for other purposes.
- xcviii. An Act for granting further powers to the Birmingham and Staffordshire Tramways Company.
- xcix. An Act to authorise the increase of the Capital Stock of the Bank of Scotland; and for other purposes.
- c. An Act for making a new Street from Charing Cross to the Victoria Embankment.
- ci. An Act to extend for a further period the time for the compulsory purchase of lands and for the completion of the Railway authorised by "The Girvan and Portpatrick Junction Railway Act, 1865;" and for other purposes.
- cii. An Act to provide for the more effectual Application of the Surplus Annual Income of the Sheffield Town Trustees, and the Investment of their Trust Funds; and for other purposes.
- ciii. An Act to authorise the Ennis and West Clare Railway Company to extend their Railway; to raise further Capital; and for other purposes.
- civ. An Act for extending the time for the completion of the Newport Railway; and for confirming an Agreement for the working and use of the same by the North British Railway Company; and for other purposes.
- cv. An Act for making a Marine Road or Drive round the Great Ormes Head in the parish of Llandudno in the county of Caernarvon; and for other purposes.
- cvi. An Act for amending the provisions of the Borough of Portsmouth Waterworks Act, 1857, relative to constant supply of Water under pressure; and for other purposes.
- cvi. An Act to enable the Great North of Scotland Railway Company to convert certain Arrears of Dividend into Capital; and for other purposes.
- cvi. An Act to enable the Thetford and Watton Railway Company to extend their Railway to join the Bury Saint Edmunds and Thetford Railway; and for other purposes.
- cix. An Act to enable the Wolverhampton, Walsall, and Midland Junction Railway Company to make an additional Junction with the Midland Railway near Water Orton; and for other purposes relating to that Company.
- cx. An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Barrow-in-Furness to make additional Waterworks and Gasworks and new Streets; and for conferring additional powers upon them with reference to the raising of Money and the Improvement of the Borough; and for other purposes.
- cxi. An Act for conferring further Powers upon the Devon and Cornwall Railway Company for the Construction of Works and the raising of Money, and otherwise in relation to their Undertaking and the Undertakings of other Companies; and for other purposes.
- cxi. An Act for authorising the Devon and Cornwall Railway Company to make Extensions of their Railway to Holsworthy, and to Camelford, and to the Launceston and South Devon Railway; and to raise further Money; and for authorising Arrangements between them and other Railway Companies; and for other purposes.
- cxi. An Act to enable the Great Western Railway Company, the Bristol and Exeter Railway Company, and the South Devon Railway Company to make a Branch Railway to Saint Ives; and for other purposes.
- cxiv. An Act to enable the South Devon Railway Company to acquire Lands and execute Works in connexion with their Undertaking; and for other purposes.
- cxy. An Act to authorise the Trustees of the Clyde Navigation to construct a Graving Dock, Quays or Wharfs, and other Works at and in connexion with the Harbour of Glasgow and the River Clyde; to abandon authorised Works; to borrow Money; and for other purposes.
- cxi. An Act to confer additional powers on the Gaslight and Coke Company, and to amend the Gaslight and Coke Company's Act, 1868, and the several Acts altering and amending the same; and for other purposes.
- cxi. An Act for granting further powers to the Newcastle-upon-Tyne and Gateshead Gas Company.
- cxi. An Act to authorise the London and South-western Railway Company and the London, Brighton, and South Coast Railway Company to extend their Joint Line at Portsmouth, and for other purposes connected with the said Extension.
- cxi. An Act to authorise deviations from the authorised Lines of the Central Ireland Railways, and to confer further powers with reference to those Lines and their respective Undertakings of the Waterford and Central Ireland Railway Company and the Kilkenny Junction Railway Company; and for other purposes.
- cxx. An Act to enable the Lincoln Gaslight and Coke Company to execute new Works; to extend their Limits of Supply; to enable them to raise more Money; and for other purposes.
- cxi. An Act to authorise the diversion and alteration of the Line and Levels of the Whitby, Redcar, and Middlesborough Union Railway; and for other purposes.
- cxi. An Act to enable the Briton Ferry Local Board to acquire the Undertaking of the Briton Ferry Gas and Coke Company.
- cxi. An Act to make better provision for the recovery by the Brighton and Hove General Gas Company of Gas Rents and Rates, to alter existing Rents and Rates; and for other purposes.
- cxi. An Act to consolidate the Irvine Harbour Orders, 1867 and 1870, and to authorise the construction of new Works at the Harbour; and for other purposes.
- cxi. An Act to extend the Borough of Brighton to part of the Parish of Preston; and for other purposes.

- cxxvi. An Act for incorporating and conferring powers on the City of Durham Gas Company.
- cxxvii. An Act for authorising the West Lancashire Railway Company to raise further Capital.
- cxxviii. An Act for making a Railway from the London and South-western Railway at Staines to the Great Western Railway at West Drayton; and for other purposes.
- cxxix. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Doncaster to execute Works for the Improvement of the Water Supply of that borough and of the neighbourhood thereof; and for other purposes.
- cxxx. An Act for enabling the Dublin and Drogheda Railway Company to acquire additional Lands, and to widen Bridges; and for other purposes.
- cxxxi. An Act to authorise the construction of a Railway in extension of the Metropolitan District Railway to Hammersmith.
- cxxxii. An Act to amend "The Waterford, Dungarvan, and Lismore Railway Act, 1872," and to enable the Waterford, Dungarvan, and Lismore Railway Company to make deviations from their authorised Railway, and to abandon a portion of the authorised Railway; to extend the time for the execution of works; to afford facilities to the Company for raising the funds necessary to execute their Undertaking; and for other purposes.
- cxxxiii. An Act for confirming the Gift of Columbia Market by the Baroness Burdett Coutts to the Mayor and Commonalty and Citizens of the city of London, and for making further provision respecting the maintenance and use of the Market, and for the construction of Tramways in connexion therewith; and for other purposes.
- cxxxiv. An Act to dissolve the Trowbridge and District New Water Company, Limited, and to re-incorporate the Members thereof and others, for supplying with Water the town and parish of Trowbridge and other places in the county of Wilts; and for other purposes.
- cxxxv. An Act for making certain Railways in the North Riding of the county of York; and for other purposes.
- cxxxvi. An Act for the making of Railways from Freshwater to Yarmouth and Newport, in the Isle of Wight; and for other purposes.
- P. cxxxvii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Llanrwst to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- P. cxxxviii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Llanelly, Carmarthen, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- P. cxxxix. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for the parish of Merthyr Tydfil to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- P. cxli. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Buxton, Carnarvon, Ealing, Pontypridd, Ravensthorpe, Reading (two), Shipley, Teignmouth, Wheathamstead, Wisbeach and Walsoken (two).
- P. cxlii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Baldersby, Bristol, Buxton, Dowlash, Nelson, and Wellington in the county of Somerset.
- cxliii. An Act to extend the powers of the Uxbridge and Hillingdon Gas Consumers Company; and for other purposes.
- cxliii. An Act to authorise the Mersey Docks and Harbour Board to construct new Docks and other Works on the Liverpool side of the River Mersey, and to borrow further moneys for that purpose.
- cxliv. An Act to authorise the Mersey Docks and Harbour Board to construct a new Landing Stage opposite the South Reserve at Birkenhead, and confirm an Agreement with reference thereto between the said Board and the London and North-western and Great Western Railway Companies; and for other purposes.
- cxlv. An Act for enabling the Solway Junction Railway Company to dispose of the Purchase Money for part of their Undertaking; and for other purposes.
- cxlii. An Act for conferring further powers upon the London Central Railway Company for the purchase of Lands.
- cxliii. An Act for making a Railway from the Llynvi and Ogmore Railway near Blacknill to the Great Western Railway at Llanharan, to be called the Cardiff and Ogmore Valley Railway; and for other purposes.
- cxlviii. An Act for the Conversion into Consolidated Stock of Annuities issued under the Glasgow Corporation Gas Act, 1869; and for other purposes.
- cxlix. An Act for authorising the London and Aylesbury Railway Company to raise further Capital.
- ccli. An Act to facilitate the Drainage of Mines in parts of South Staffordshire and East Worcestershire.
- cli. An Act for amending the Acts relating to the Undertaking of the Alexandra (Newport) Dock Company; and for other purposes.
- clii. An Act to amend "The Gosport Gas Act, 1865," with respect to the price of Gas.
- cliii. An Act for conferring further powers on the Cheshire Lines Committee; and for other purposes.
- cliv. An Act for incorporating the Dudley and Oldbury Junction Railway Company, and authorising them to make and maintain Railways from Oldbury, in the county of Worcester, communicating with the South Staffordshire and Stour Valley Branches of the Railways of the London and North-western Railway Company; and for other purposes.
- civ. An Act to enable the Llantrisant and Taff Vale Junction Railway Company to effect a Junction between their Railway and the Ely Valley Railway; to extend the time for the completion of a portion of their authorised Railways; and for other purposes.
- for enabling the London and  
Railway Company to construct

[36 & 37 VICT.]

LOCAL ACTS.

[A.D. 1873.]

- new Railways, to widen portions of their existing Railways, to enlarge their Lime Street Station at Liverpool; and for other purposes.
- cixvi. An Act to amend the constitution of the Harbour Trust of Peterhead, to authorise the construction of new Works at the Harbour, and to provide for the further improvement and maintenance of the same; and for other purposes.
- cixvii. An Act to empower the Taff Vale Railway Company to make new Railways and acquire additional Lands in the county of Glamorgan, and to run over and use a portion of the Railway of the Great Western Railway Company; and for other purposes.
- cixviii. An Act to authorise the Corporations of Dewsbury and Batley in the West Riding of the county of York to construct Gasworks, and to purchase the Undertaking of the Dewsbury and Batley Gas Company; and for other purposes.
- cixx. An Act for making a Railway from Dunfermline to North Queensferry in the county of Fife, and Pier in connexion therewith; and for other purposes.
- cixxi. An Act for authorising the London and South-western Railway Company to make and maintain new Railways in the parish of St. Mary, Battersea, to execute other works; to purchase additional Lands; and to raise further moneys; and for other purposes.
- cixxii. An Act to authorise the construction of Railways in the county of Cornwall, to be called the Cornwall Mineral Railways, and the amalgamation therewith of the New Quay and Cornwall Junction Railway, and other undertakings connected therewith.
- cixxiii. An Act to enable the London and Blackwall Railway Company to enlarge their Stepney Station; to construct a Landing Pier in the Thames in connexion with their Millwall Extension Railway; to authorise arrangements with the Great Eastern Railway Company; and for other purposes.
- cixxiv. An Act to authorise the Provost, Magistrates, and Town Council of the Burgh of Dumbarton to supply the Burgh and adjacent district with Gas; to erect a Pier in the River Clyde, and road of approach thereto; and for other purposes.
- cixxv. An Act to authorise the Halesowen and Bromsgrove Branch Railways Company to construct deviations of their authorised Railways; and for other purposes.
- cixxvi. An Act to extend the time for the completion of the Wandsworth Bridge and approaches; and for other purposes.
- cixxvii. An Act to authorise the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the West Riding of the county of York, to construct additional Waterworks, to effect Street Improvements, to enlarge the borough for Municipal, Sanitary, and other like purposes, to extend the limits of Water Supply of the Corporation; and for other purposes.
- cixxviii. An Act to confer upon the Bristol and North Somerset Railway Company renewed powers for making a Branch Railway to Camerton, and power to divert the road leading from Pensford to Stanton Wick, and to confer certain powers on the Great Western Railway Company with respect to the said Branch Railway; and for other purposes.
- cixxix. An Act to extend the time for the purchase of Lands and for the completion of the Belgrave Market; and for other purposes.
- cixxx. An Act for the reclamation of open Salt Marshes in the parish of Moulton and elsewhere in Lincolnshire.
- cixxi. An Act to provide for the discontinuance of the appointment of a Minister to the second charge of the church and parish of South Leith, in the county of Edinburgh; and for other purposes relating to the said church and parish.
- cixxii. An Act to incorporate a Company for the construction of the Banbury and Cheltenham Direct Railway; and for other purposes.
- cixxiii. An Act to empower the Corporation of Carlisle to make and maintain a new street, to alter, divert, and stop up existing streets and roads, to alter, enlarge, improve, and regulate the markets, to borrow money; and for other purposes.
- cixxv. An Act to change the name of the Dundalk and Greenore Railway Company, and to enable them to make a railway from Newry to Greenore, and to acquire the undertaking of the Newry and Greenore Railway Company; and for other purposes.
- cixxvi. An Act for making a Railway from the Glasgow, Dumbarton, and Helensburgh Railway to Kilsyth, and a Railway therefrom to the Campsie Branch of the North British Railway Company; and for other purposes.
- cixxvii. An Act to incorporate a Company for making the Leeds, Castleford, and Pontefract Junction Railway; and for other purposes.
- cixxviii. An Act for authorising the Lynvi and Ogmore Railway Company to make new Railways; to deviate portions of existing Railways; to raise additional Capital; to authorise arrangements with the Great Western Railway Company; and for other purposes.
- cixxix. An Act to confer further powers on the Waterford and Limerick Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.
- cixxx. An Act for conferring further powers on the Lancashire and Yorkshire Railway Company; and for other purposes relating to that Company and to the Preston and Wyre Railway.
- cixxxi. An Act for conferring additional powers on the Metropolitan District Railway Company; and for other purposes relating to that Company.
- cixxxii. An Act to grant further powers to the Metropolitan Railway Company.
- cixxxiii. An Act to authorise the construction of Works and Reclamation of Lands in Pagham Harbour in the county of Sussex; and for other purposes.
- cixxxiv. An Act for conferring powers upon the Much Wenlock and Severn Junction Railway Company for the construction of Works and the raising of money, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.
- cixxxv. An Act for making a Railway from the town of Wisbech in the county of Cam-

[A.D. 1878.]

## TABLE OF THE STATUTES.

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- bridge to Upwell in the county of Norfolk; and for other purposes.
- cxxxv. An Act for enabling the Caledonian Railway Company to make certain Branch Railways and other Works, and to acquire certain Lands, in the counties of Lanark, Forfar, Renfrew, Stirling, and Perth; and for other purposes.
- cxxxvi. An Act for enabling the Caledonian Railway Company to make Branch Railways connecting their Wilsontown Branch with their Cleland and Midcalder Line; and for other purposes.
- cxxxvii. An Act for enlarging the extent and improving the accommodation of the Citadel Station at Carlisle, and making and maintaining new Connecting Lines between the various Railways converging there; and for other purposes.
- cxxxviii. An Act for enabling the Caledonian Railway Company to make a Station at Gordon Street, Glasgow, and Connecting Lines between the same and their Railways on the south side of that city; and for other purposes.
- cxxxix. An Act to confer further powers on the City of Glasgow Union Railway Company, the Glasgow and South-western Railway Company, and the North British Railway Company; and for other purposes.
- cxc. An Act for conferring further powers on the Great Western Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.
- cxi. An Act to authorise the London and Blackwall Railway Company to provide and to use Steam Vessels between Millwall and Greenwich; to authorise arrangements with the owners and lessees of Potter's Ferry and the Great Eastern Railway Company; and for other purposes.
- cxcii. An Act for making a Railway in Gloucestershire, to be called the Severn Bridge and Forest of Dean Central Railway; and for other purposes.
- cxciii. An Act for the transfer of the Swansea Lines Undertaking of the Swansea and Carmarthen Railways Company to the London and North-western Railway Company; and for authorising that Company to raise Moneys; and for other purposes.
- cxciv. An Act for making a Railway from the Great Western Railway at Swindon to the London and South-western Railway at Andover; and for other purposes.
- cxcv. An Act for making better provision for the drainage of Lands on the North and South Sides of the River Don in the West Riding of the county of York; and for other purposes.
- cxcvi. An Act for embanking and reclaiming certain waste Land in the county of Clare.
- P. cxcvii. An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Cardiff, Dewsbury, Batley, and Birstal, Felixstowe and Fagborough Cliff, Ipswich and Felixstowe, Leicester, Middlesbrough and Stockton, Neath and District, and Newport (Monmouthshire).
- P. cxcviii. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1868," and the Acts amending the same, relating to Upper Gully River Drainage District, Queen's County.
- P. cxcix. An Act to confirm a Provisional Order made by the Local Government Board for Ireland concerning the Local Government of the Borough of Belfast.
- cc. An Act for extending the Municipal and Police Boundaries of the Burgh of Ayr; for dividing the extended Burgh for Municipal and Police Purposes into Wards; for regulating the Number and Election and defining the Powers of the Magistrates and Town Councillors of the extended Burgh; for regulating the Common Good of the Burgh; for abolishing the Petty Customs now levied therein; for empowering the Magistrates and Town Council to improve certain Streets, to extend the Market-places and Slaughterhouses, to purchase the Undertakings of the Companies which now supply the Burgh with Gas and Water, and to supply Gas and Water to the extended Burgh; and for other purposes.
- cc. An Act for conferring additional Powers on the London and North-western Railway Company in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.
- ccii. An Act for making a Railway from Ross to Ledbury, in the counties of Gloucester and Hereford; and for other purposes.
- cciii. An Act to abandon the Mumbles Extension of the Swansea and Carmarthen Railway Company, and to extend the time for the compulsory purchase of Land and completion of Railway of the Company at Carmarthen, to confer powers upon the Company with reference to the Undertakings of other Companies; and for other purposes.
- cciv. An Act for authorising the sale and transfer of the Undertakings of the Metropolitan Street Tramways Company, and the Finsbury, Peckham, and Greenwich Street Tramways Company, to the London Tramways Company, Limited; and for other purposes.
- ccv. An Act for granting further powers to the Nottingham Gaslight and Coke Company.
- ccvi. An Act for supplying with Water certain parishes and places in the county of Edinburgh.
- ccvii. An Act to authorise the construction of a Railway from Bala to Festiniog in the county of Merioneth; and for other purposes.
- ccviii. An Act to enable the Great Northern Railway Company to extend their Railway from Melton Mowbray to Leicester; and for other purposes.
- ccix. An Act to authorise the North British Railway Company to make several Railways, and to purchase additional Station Lands; to abandon certain Railways; to extend the time for sale of certain superfluous Lands; to authorise agreements with the North Monkland Railway Company and with the Corporation of Birnalland; purchase of the Broxburn Railway, and amalgamation with the Glasgow and Milngavie Railway Company; and for other purposes.
- ccx. An Act for conferring additional powers on the Midland Railway Company for the construction of Works and for the raising of

- Capital; and for other purposes in relation to their own Undertaking and the Undertakings of other Companies.
- cxxi. An Act to constitute a new body of Trustees for administering the affairs of the Harbour of New Shoreham in the county of Sussex; and for other purposes.
- cxxii. An Act for vesting the undertaking of the Briton Ferry Floating Dock Company in the Great Western Railway Company; and for other purposes.
- cxxiii. An Act for embanking and for dividing, allotting, and enclosing Lands in the parish of Gedney in the county of Lincoln.
- P. cxxiv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- P. cxxv. An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, for the construction of the London Street Tramways (Saint Pancras Lines), Metropolitan Street Tramways (Extensions), Pimlico, Peckham, and Greenwich Street Tramways (Extensions), and West London Tramways.
- P. cxxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the districts of Ashbourne, Bury St. Edmunds, Epping, Fenton, Richmond (Surrey), Shipley, Stoke, Tong Street, and Ventnor.
- cxxvii. An Act to extend the powers of the Royal Bank of Scotland, and to alter and enlarge the provisions of the Charters relating thereto.
- cxxviii. An Act to make better provision for the Sewerage of a part of the parish of Beckenham in the county of Kent; and for other purposes.
- cxxix. An Act for the cultivation and improvement of certain Waste Lands in Pegwell Bay and Sandwich Flats, and the improvement of Sandwich Haven, in the county of Kent.
- cxxxi. An Act to authorise the construction by the Great Northern Railway Company of Railways in the West Riding of Yorkshire for connecting Keighley with Bradford and Halifax.
- cxxx. An Act to vest in the London Street Tramways Company certain Tramways authorised by the "North Metropolitan Tramways Act, 1870," and to enable that Company to raise further moneys; and for other purposes.
- cxxxi. An Act for making a Railway between Manchester, in the county of Lancaster, and Alderley, in the county of Chester, with Branches therefrom; and for other purposes.
- cxxxii. An Act to authorise the Metropolitan Street Tramways Company to raise further moneys; and for other purposes.
- cxxxiii. An Act to incorporate a Company and authorise the construction of Tramways in the county of Kent; and for other purposes.
- cxxxv. An Act for enabling the London and North-western Railway Company to enlarge and improve the Old Harbour at Holyhead, and to construct works in connexion therewith; and for other purposes.
- cxxxvi. An Act for incorporating the Tunbridge Wells and Eastbourne Railways Company; and for other purposes.
- cxxxvii. An Act for authorising the construction of Railways from Over, near the River Severn, to Newent, and from Newent to Dymock, in the county of Gloucester; and for other purposes.
- cxxxviii. An Act for authorising and carrying into effect the purchase by the Caledonian Railway Company of the portion of the Solway Junction Railway lying between Annan and Kirtlebridge Junction; and for other purposes.
- cxxxix. An Act for making a Railway in Berkshire and Hampshire, to be called the Didcot, Newbury, and Southampton Junction Railway.
- cxxxx. An Act for making a Railway from the Ely Valley Railway into the Clydach Valley; and for other purposes.
- cxxxxi. An Act for making a Railway from Pontesbury to Smailbeach and Tankerville in the county of Salop.
- cxxxxii. An Act for leaving the Buckley Railway to the Wrexham, Mold, and Connah's Quay Railway Company; and to make certain arrangements with reference to the Capital of the Wrexham, Mold, and Connah's Quay Railway Company; and for other purposes.
- cxxxxiii. An Act to authorise the Belfast Street Tramways Company to construct additional Street Tramways in the counties of Antrim and Down; and for other purposes.
- cxxxxiv. An Act to authorise the construction of a Railway from near the Rye Station of the South-eastern Railway in Sussex to Dungeness in Kent, together with a Pier at the termination thereof.
- cxxxxv. An Act for conferring further Powers on the Dover Harbour Board; and for other purposes.
- cxxxxvi. An Act to extend the time for the completion of certain of the authorised Works of the Edinburgh Street Tramways Company; and for other purposes.
- cxxxxvii. An Act to authorise the Construction of the Forth Bridge Railway.
- cxxxxviii. An Act to incorporate a Company for the purpose of making and maintaining a Railway from the Birmingham and Oxford section of the Great Western Railway in the parish of Rowington and county of Warwick to Henley-in-Arden in the same county; and for other purposes.
- cxxxxix. An Act to authorise the Hoylake and Birkenhead Rail and Tramway Company to extend their Railways; and for other purposes.
- cxl. An Act to authorise the Construction of a Railway from the Port of Larne to the Town and Neighbourhood of Ballyclare in the county of Antrim; and for other purposes connected with the said Railway.
- cxi. An Act for making certain Railways in the counties of Chester, Flint, and Denbigh; and for other purposes.
- cxlii. An Act for the Improvement of the borough of Criccieth in the county of Carnarvon.
- cxlili. An Act for conferring Powers upon the Commissioners of Her Majesty's Treasury, and for making other provisions with respect to the money deposited in respect to the ap-

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TABLE OF THE STATUTES.

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- application to Parliament for "The Dublin, Rathmines, &c. Railway Act, 1865." ccliv. An Act to authorise the Edinburgh, Loanhead, and Roslin Railway Company to make and maintain certain new Railways ; and for other purposes. ccxlv. An Act for making Railways to connect the Evesham and Redditch Railway with the East and West Junction Railway ; and for other purposes. ccxvi. An Act for making a Railway in the counties of Limerick and Kerry ; and for other purposes. ccxvii. An Act to enable the Metropolitan and Saint John's Wood Railway Company to construct Railways to join the Hampstead Junction Railway and the Midland Railway, with a Branch to Willesden, and to confer certain other powers upon the Company, and upon the London and North-western, the Midland, and the Metropolitan Railway Companies ; and for other purposes. ccxviii. An Act to empower the Southern Railway Company to make an Extension Railway to Cashel ; to make Working Agreements with other Companies ; to enable the Waterford and Limerick Railway Company to subscribe for portion of the Capital of the Company ; to provide for a Baronial Guarantee on portion of the Company's Share Capital ; and for other purposes. ccxlix. An Act for making a Railway from the Bodmin and Wadebridge Railway to Delabole ; and for other purposes. ccli. An Act for incorporating the Cornwall Mineral and Bodmin and Wadebridge Junction Railway Company, and for authorising them to make and maintain the Cornwall Mineral and Bodmin and Wadebridge Junction Railway, and for authorising arrangements between them and other Railway Companies ; and for other purposes. ccli. An Act for conferring further Powers on the Somerset and Dorset Railway Company for the construction of Works, and otherwise in relation to their Undertaking ; and for other purposes. colii. An Act for the Lease of the Undertaking of the Belfast, Holywood, and Bangor Railway Company. coliii. An Act for authorising the Construction of Street Tramways in certain parts of Bradford in the west riding of the county of York, and the neighbourhood thereof ; and for other purposes.

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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

- (1.) An Act for vesting the Lands and Estate of Cupar Grange in the county of Perth in Trustees, for the purpose of being sold, and for the purchase of other lands to be entailed ; and for other purposes.  
(2.) An Act for carrying into effect an Agreement dated the first day of August one thousand eight hundred and seventy-one, between William Thomas Burn Callander and Mary Harriet Burn Callander, Spinster, of the first part : Henry Callander, an Infant, of the second part ; and Mary Frederica Beauclerk Coventry or Callander, Widow, the Honourable Henry Amelius Coventry, and Henry Amelius Beauclerk Coventry, tutors and cura-
- tors of the said Henry Callander, of the third part ; for the compromise and settlement of claims by the said William Thomas Burn Callander and Mary Harriet Burn Callander against the entailed Estates of Crichton and Prestonhall in the county of Edinburgh, Elphinstone in the county of Haddington, and Westertown in the county of Stirling, and the heirs of entail for the time being of the said Estates, for security of the provisions mentioned in the said Agreement ; and to raise Money on the Security of the said Estates for payment of the said provisions ; and for other purposes relating thereto.

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PRIVATE ACT,

NOT PRINTED.

- (3.) An Act to dissolve the Marriage of Frederick Malcomson, of Portlaw, in the county of Waterford, Ireland, with Marcella Malcomson his now wife, and to enable him to marry again ; and for other purposes.

[ INDEX.

## Sittings of the House, Session 1873.

RETURN to an Order of the Honourable The House of Commons,  
dated 24 July 1873;—for,

A RETURN “of the Number of Days on which The House SAT in the Session of 1873, stating, for each Day, the Date of the Month, and the Day of the Week, the Hour of Meeting, and the Hour of Adjournment; and the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and showing the Number of Hours on which The House Sat each Day, and the Number of Hours after Midnight; and the Number of Entries in each Day's Votes and Proceedings (in continuation of Parliamentary Paper, No. 6123, of Session 1872).”

(Mr. Charles Forster.)

| Month.   | Day. | House met. | House adjourned. | Hours of Sitting. | Hours after Midnight. | Entries in Votes. | Month.   | Day. | House met. | House adjourned. | Hours of Sitting. | Hours after Midnight. | Entries in Votes. |     |
|----------|------|------------|------------------|-------------------|-----------------------|-------------------|----------|------|------------|------------------|-------------------|-----------------------|-------------------|-----|
| 1873     |      |            |                  |                   |                       |                   | 1873     |      |            |                  |                   |                       |                   |     |
| Feb.     | 6    | Th         | 1½               | 11 30             | 10 0                  | - -               | Apr.     | 1    | Tu         | 4 1 30           | 9 30              | 1 30                  | 74                |     |
| "        | 7    | F          | 4                | 8 0               | 4 0                   | - -               | "        | 2    | W          | 12 5 50          | 5 50              | - -                   | 78                |     |
| "        | 10   | M          | 4                | 11 45             | 7 45                  | [ ]               | "        | 3    | Th         | 4 3 0            | 11 0              | 3 0                   | 104               |     |
| "        | 11   | Tu         | 4                | 6 30              | 21 30                 | [ ]               | "        | 4    | F          | 4 8 15           | 4 15              | - -                   | 62                |     |
| "        | 12   | W          | 12               | 4 0               | 4 0                   | - -               | "        | 7    | M          | 4 2 30           | 10 30             | 2 30                  | 134               |     |
| "        | 13   | Th         | 4                | 8 30              | 4 30                  | - -               | "        | 8    | 1          | 30 9 30          | 1 30              | - -                   | 118               |     |
| "        | 14   | F          | 4                | 1 0 0             | 9 0                   | 1 0               | "        | 9    | 22         | Tu               | 4 12 45           | 8 45                  | 0 45              | 101 |
| "        | 17   | M          | 4                | 9 0               | 5 0                   | - -               | "        | 23   | W          | 12 2 45          | 2 45              | - -                   | 44                |     |
| "        | 18   | Tu         | 4                | 10 30             | 6 30                  | - -               | "        | 24   | Th         | 4 2 15           | 10 15             | 2 15                  | 108               |     |
| "        | 19   | W          | 12               | 5 45              | 5 45                  | - -               | "        | 25   | F          | 4 1 0 9 0        | 1 0               | - -                   | 61                |     |
| "        | 20   | Th         | 4                | 12 15             | 8 15                  | 0 15              | "        | 26   | M          | 4 2 15           | 10 15             | 2 15                  | 105               |     |
| "        | 21   | F          | 4                | 8 45              | 4 45                  | - -               | "        | 27   | 1          | 0 9 0            | 1 0               | - -                   | 87                |     |
| "        | 24   | M          | 4                | 9 15              | 5 15                  | - -               | "        | 28   | Tu         | 4 1 0 9 0        | 1 0               | - -                   | 56                |     |
| "        | 25   | Tu         | 4                | 12 45             | 8 45                  | 0 45              | "        | 29   | W          | 12 5 50          | 5 50              | - -                   | - -               |     |
| "        | 26   | W          | 2                | 5 45              | 3 45                  | - -               | "        | 30   | Total...   | 13               | - -               | - -                   | 1,182             |     |
| "        | 27   | Th         | 4                | 12 15             | 8 15                  | 0 15              | "        | 31   | Total...   | 13               | - -               | - -                   | 1,182             |     |
| "        | 28   | F          | 4                | 12 15             | 8 15                  | 0 15              | "        | May  | 1          | Th               | 4 1 45            | 9 45                  | 1 45              | 86  |
| Total... | 17   | - -        | -                | 106 15            | 9 30                  | 1,520             | "        | 2    | F          | 4 1 45           | 9 45              | 1 45                  | 86                |     |
| Mar.     | 3    | M          | 4                | 12 45             | 8 45                  | 0 45              | "        | 3    | W          | 12 5 50          | 5 50              | - -                   | 82                |     |
| "        | 4    | Tu         | 4                | 12 45             | 8 45                  | 0 45              | "        | 4    | 1          | 15               | 9 15              | 1 15                  | 90                |     |
| "        | 5    | W          | 12               | 4 45              | 4 45                  | - -               | "        | 5    | F          | 4 1 15           | 9 15              | 1 15                  | 76                |     |
| "        | 6    | Th         | 4                | 1 15              | 9 15                  | 1 15              | "        | 6    | 12 M       | 4 1 30           | 9 30              | 1 30                  | 114               |     |
| "        | 7    | F          | 4                | 1 30              | 9 30                  | 1 30              | "        | 7    | Tu         | 4 1 30           | 9 30              | 1 30                  | 96                |     |
| "        | 10   | M          | 4                | 12 45             | 8 45                  | 0 45              | "        | 8    | 14 W       | 12 5 55          | 5 55              | - -                   | 63                |     |
| "        | 11   | Tu         | 4                | 2 30              | 10 30                 | 2 30              | "        | 9    | 15 Th      | 4 1 0 9 0        | 1 0               | - -                   | 96                |     |
| "        | 13   | Th         | 4                | 4 45              | 0 45                  | - -               | "        | 10   | 16 F       | 4 2 0            | 10 0              | 2 0                   | 82                |     |
| "        | 17   | M          | 4                | 4 45              | 0 45                  | - -               | "        | 11   | 17 W       | 12 5 55          | 5 55              | - -                   | 123               |     |
| "        | 20   | Th         | 4                | 8 30              | 4 30                  | - -               | "        | 12   | 19 M       | 4 1 45           | 9 45              | 1 45                  | 65                |     |
| "        | 21   | F          | 4                | 1 45              | 9 45                  | 1 45              | "        | 13   | 20 Tu      | 4 8 15           | 4 15              | - -                   | 63                |     |
| "        | 24   | M          | 4                | 1 15              | 9 15                  | 1 15              | "        | 14   | 21 W       | 12 5 55          | 5 55              | - -                   | 84                |     |
| "        | 25   | Tu         | 4                | 9 15              | 5 15                  | - -               | "        | 15   | 22 Th      | 4 1 45           | 9 45              | 1 45                  | 79                |     |
| "        | 26   | W          | 12               | 5 55              | 5 55                  | - -               | "        | 16   | 23 F       | 4 2 0            | 10 0              | 2 0                   | 129               |     |
| "        | 27   | Th         | 4                | 2 10              | 0 20                  | 0 20              | "        | 17   | 24 M       | 4 1 0 9 0        | 1 0               | - -                   | 99                |     |
| "        | 28   | F          | 4                | 8 15              | 4 15                  | - -               | "        | 18   | Total...   | 19               | - -               | - -                   | 1,682             |     |
| "        | 29   | S          | 6½               | 6 45              | 0 15                  | - -               | "        | 19   | Total...   | 19               | - -               | - -                   | - -               |     |
| "        | 31   | M          | 4                | 1 45              | 1 45                  | - -               | "        | 20   | Total...   | 19               | - -               | - -                   | - -               |     |
| Total... | 18   | - -        | -                | 112 40            | 12 30                 | 1,341             | Total... | 20   | Total...   | 19               | - -               | - -                   | - -               |     |

SITTINGS OF THE HOUSE, SESSION 1873.

| Month.   | Day. | House met. | House ad.<br>journed. | Hours of<br>Sitting. |    | Hours after<br>Midnight. | Entries in<br>Votes. | Month. | Day.     | House met. | House ad.<br>journed. | Hours of<br>Sitting. | Hours after<br>Midnight. | Entries in<br>Votes. |     |       |   |     |
|----------|------|------------|-----------------------|----------------------|----|--------------------------|----------------------|--------|----------|------------|-----------------------|----------------------|--------------------------|----------------------|-----|-------|---|-----|
|          |      |            |                       | H.                   | M. |                          |                      |        |          |            |                       |                      |                          |                      |     |       |   |     |
| 1873     |      |            |                       |                      |    |                          | cont.                |        |          |            |                       |                      |                          |                      |     |       |   |     |
| June 5   | Th   | 4          | 2                     | 0                    | 10 | 0                        | 2                    | 0      | 121      | July 9     | W                     | 12                   | 6                        | 0                    | 66  |       |   |     |
| " 6      | F    | 4          | 2                     | 0                    | 10 | 0                        | 2                    | 0      | 95       | " 10       | Th                    | 4                    | 0                        | 12                   | 0   |       |   |     |
| " 9      | M    | 4          | 1                     | 45                   | 9  | 45                       | 1                    | 45     | 102      | " 11       | F                     | 2                    | 1                        | 15                   | 49  |       |   |     |
| " 10     | Tu   | 2          | 1                     | 15                   | 11 | 15                       | 1                    | 15     | 69       | " 14       | M                     | 4                    | 4                        | 0                    | 85  |       |   |     |
| " 11     | W    | 12         | 5                     | 55                   | 5  | 55                       | -                    | -      | 54       | " 15       | Tu                    | 2                    | 1                        | 45                   | 58  |       |   |     |
| " 12     | Th   | 4          | 2                     | 15                   | 10 | 15                       | 2                    | 15     | 93       | " 16       | W                     | 12                   | 5                        | 55                   | 45  |       |   |     |
| " 13     | F    | 2          | 1                     | 15                   | 11 | 15                       | 1                    | 15     | 57       | " 17       | Th                    | 4                    | 1                        | 30                   | 83  |       |   |     |
| " 16     | M    | 4          | 2                     | 0                    | 10 | 0                        | 2                    | 0      | 90       | " 18       | F                     | 2                    | 9                        | 20                   | 57  |       |   |     |
| " 17     | Tu   | 2          | 1                     | 15                   | 11 | 15                       | 1                    | 15     | 62       | " 21       | M                     | 4                    | 2                        | 15                   | 105 |       |   |     |
| " 18     | W    | 12         | 5                     | 50                   | 5  | 50                       | -                    | -      | 49       | " 22       | Tu                    | 2                    | 2                        | 0                    | 70  |       |   |     |
| " 19     | Th   | 4          | 12                    | 45                   | 8  | 45                       | 0                    | 45     | 76       | " 23       | W                     | 12                   | 5                        | 55                   | 44  |       |   |     |
| " 20     | F    | 2          | 5                     | 30                   | 3  | 30                       | -                    | -      | 39       | " 24       | Th                    | 4                    | 2                        | 45                   | 99  |       |   |     |
| " 23     | M    | 4          | 2                     | 0                    | 10 | 0                        | 2                    | 0      | 86       | " 25       | F                     | 2                    | 2                        | 30                   | 62  |       |   |     |
| " 24     | Tu   | 2          | 9                     | 15                   | 7  | 15                       | -                    | -      | 60       | " 28       | M                     | 4                    | 3                        | 0                    | 88  |       |   |     |
| " 25     | W    | 12         | 5                     | 50                   | 5  | 50                       | -                    | -      | 55       | " 29       | Tu                    | 2                    | 3                        | 0                    | 73  |       |   |     |
| " 26     | Th   | 4          | 1                     | 45                   | 9  | 45                       | 1                    | 45     | 103      | " 30       | W                     | 12                   | 5                        | 55                   | 56  |       |   |     |
| " 27     | F    | 2          | 9                     | 15                   | 7  | 15                       | -                    | -      | 61       | " 31       | Th                    | 4                    | 1                        | 45                   | 56  |       |   |     |
| " 30     | M    | 4          | 1                     | 15                   | 9  | 15                       | 1                    | 15     | 107      |            |                       |                      |                          |                      |     |       |   |     |
| Total... | 18   | --         | -                     | 157                  | 5  | 19                       | 30                   | 1,378  | Total... | 23         | --                    | -                    | 292                      | 30                   | 36  | 1,628 |   |     |
| July 1   | Tu   | 2          | 9                     | 15                   | 7  | 15                       | -                    | -      | 55       | Aug. 1     | F                     | 2                    | 9                        | 15                   | -   | 66    |   |     |
| " 2      | W    | 12         | 5                     | 55                   | 5  | 55                       | -                    | -      | 63       | " 2        | S                     | 12                   | 4                        | 0                    | -   | 47    |   |     |
| " 3      | Th   | 4          | 1                     | 30                   | 9  | 30                       | 1                    | 30     | 82       | " 4        | M                     | 3                    | 7                        | 0                    | -   | 84    |   |     |
| " 4      | F    | 2          | 1                     | 30                   | 11 | 30                       | 1                    | 30     | 60       | " 5        | Tu                    | 1½                   | Prorogation.             |                      | -   | 46    |   |     |
| " 7      | M    | 4          | 2                     | 0                    | 10 | 0                        | 2                    | 0      | 128      | 64         | Total...              | 4                    | --                       | -                    | 15  | 15    | - | 237 |

SUMMARY.

| Month.        | Days of<br>Sitting. | Hours of<br>Sitting. | Hours after<br>Midnight. | Entries in<br>Votes. |
|---------------|---------------------|----------------------|--------------------------|----------------------|
|               |                     |                      |                          |                      |
| <b>1873</b>   |                     |                      |                          |                      |
| February..... | 17                  | 106 15               | 2 30                     | 1,525                |
| March.....    | 18                  | 112 40               | 12 30                    | 1,341                |
| April .....   | 18                  | 106 25               | 15 45                    | 1,132                |
| May .....     | 19                  | 157 10               | 20 0                     | 1,682                |
| June.....     | 18                  | 157 5                | 19 30                    | 1,378                |
| July .....    | 23                  | 222 30               | 36 15                    | 1,628                |
| August.....   | 4                   | 15 15                | -                        | 237                  |
| Total.....    | 112                 | 877 20               | 106 30                   | 8,923                |

Average Time of Sitting, 7 Hours 50 Minutes.

DIVISIONS OF THE HOUSE, SESSION 1873—(PARL. PAPER 0.111.)

SUMMARY.

|                                                        |     |                 |     |
|--------------------------------------------------------|-----|-----------------|-----|
| Number of Divisions on Public Business before Midnight | ... | ...             | 133 |
| Ditto                                                  | "   | after Midnight  | 91  |
| Ditto—Private Business                                 | "   | before Midnight | 2   |
| Ditto                                                  | "   | after Midnight  | —   |
| Total Number of Divisions in Session 1873              | ... | ...             | 226 |

## GENERAL INDEX TO SESSION 1873.

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### EXPLANATION OF THE ABBREVIATIONS.

It being a principal object of this Index, that the proceedings on each Motion shall be completely recorded, some abbreviations of forms were necessary. Those who are accustomed to the proceedings of Parliament will readily fill up the voids. Those who are not so familiar, may find the following explanation useful, but will find the whole *formulae* set out at length in the "Contents."

The names which immediately follow the title of a Bill are those of the Peers or hon. Members who have charge of the Bill.

The numbers which are added at stages of Bills are the official numbers of the prints and reprints ordered at each stage, and, with the Statute, will enable the reader to follow all the changes the Bill has undergone.

The entries—Moved, "That the Bill be now read 2<sup>o</sup>;" Amendt. "this day six months;" Question put, "That 'now,' &c."—indicate the usual form of raising the issue—namely, "That the word 'now' stand part of the Question."

"*The Ballot*, Amendt. on Committee of Supply" indicates that the Question was raised by means of an Amendment moved on the Motion (after the Order of the Day for the House to go into Committee of Supply had been read), "That Mr. Speaker do now leave the Chair." In this case the issue is formally raised by the Motion "To leave out from the word 'That' to the end of the Question, in order to add" other words. The decision is taken on the Question, "That the words proposed to be left out stand part of the Question."

The Nos. added to the "Parliamentary Papers" are in most cases those given in the Commons' "List of Papers for Sale."



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TO

## HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIFTH SESSION OF

THE TWENTIETH PARLIAMENT OF THE UNITED KINGDOM.

36° & 37° VICTORIA.

1873.

### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1<sup>o</sup>, 2<sup>o</sup>, 3<sup>o</sup>, or 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committee.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*s. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings":—  
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[214] 1599

Achin  
Moved, "That an humble Address be presented to Her Majesty for Copy of the Correspondence relating to the abrogation of the Treaty of 1824" (*The Lord Stanley of Alderley*) July 28, [217] 1077; after short debate, Motion agreed to

ADAM, Mr. W. P. (Lord of the Treasury), *Clackmannan, &c.*  
Four Courts Marshalsea (Dublin), [217] 1509

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- Bill (*Mr. Ayrton, Mr. Shaw Lefevre, Mr. Campbell-Bannerman*)
- c. Ordered; read 1<sup>st</sup> Feb 10 [Bill 40]
- Bill withdrawn\* Mar 24

**Admission to Benefices and Churchwardenships, &c. Bill [H.L.]**

(*The Lord Archbishop of York*)

- l. Presented; read 1<sup>st</sup> June 12 (No. 153)
- Read 2<sup>nd</sup> June 17
- Committee June 26, [216] 1409 (No. 176)
- Report\* June 27 (No. 181)
- Order for 3R. discharged\*; Bill re committed July 1
- Committee (on re-comm.) put off *sine die* July 3

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- Question, Lord Eustace Cecil; Answer, The Attorney General May 22, [216] 274

**ADVOCATE, The Lord (Right Hon. G. YOUNG), Wigton, &c.**

- 215] Conveyancing (Scotland), 2R. 964; Comm. 1896; cl. 2, 1842; cl. 3, ib.
- 216] cl. 4, 150; cl. 9, 151; cl. 12, 504; cl. 13, 506; cl. 14, 507; cl. 15, ib.; cl. 16, 508, 509; cl. 22, 510; cl. 27, ib.; cl. 41, Amendt. 511, 512
- Education (Scotland) Act (1872), [216] 1412
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- 216] Law Agents (Scotland), Comm. cl. 2, 542, 543; cl. 5, 544, 545; cl. 7, 611, 612, 613; cl. 8, 614, 615; cl. 11, ib.; cl. 15, 616; cl. 19, ib.; add. cl. 617
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*Central Africa—Sir Samuel Baker's Expedition*, Observations, Earl Granville June 30, [216] 1547; — *Telegrams*, Question, Mr. Cadogan; Answer, Viscount Enfield June 30, [216] 1561

*East African Slave Trade—Treaty with the Sultan of Zanzibar*, Question, Mr. Gilpin; Answer, Viscount Enfield June 28, [216] 1247

*Fanti Confederation—The Protectorate*, Question, Mr. Salt; Answer, Viscount Enfield May 5, [215] 1483

*Lagos*, Question, Sir Thomas Basley; Answer, Mr. Knatchbull-Hugessen April 25, [215] 971

*South Africa—The Cape Colony, &c.*, Question, Observations, Mr. R. N. Fowler; Reply, Mr. Knatchbull-Hugessen; debate thereon Feb 21, [214] 790

*West Coast Settlements—The Ashantee Invasion*, Question, Observations, The Earl of Lauderdale; Reply, The Earl of Kimberley Mar 7, [214] 1515; Questions, Observations, The Earl of Lauderdale; The Earl of Carnarvon; Reply, The Earl of Kimberley May 1, [215] 1392; Question, Observations, The Earl of Lauderdale; Reply, The Earl of Kimberley; short debate thereon May 20, [216] 164; Question, The Earl of Carnarvon; Observations, The Earl of Lauderdale; Reply, The Earl of Kimberley July 10, [217] 138; Question, The Duke of Buckingham; Answer, The Earl of Kimberley July 14, 267

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Irish Church Act—National Monuments, [215] 1489

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Parliament—Ministerial Explanation, [214] 1946

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**Answer, Mr. R. Vans, Wigton Co.**

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 Hypothec Abolition (Scotland), 2R. [216] 1867  
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**Agricultural Children Bill (Mr. Clare Read, Mr. Pell, Mr. Akroyd, Mr. Kay-Shuttleworth, Mr. Kennaway)**

c. Ordered ; read 1<sup>o</sup> Feb 7      [Bill 8]  
 214] Bill read 2<sup>o</sup>, after short debate Feb 19, 689  
 Committee — R.R. Feb 26

215] Committee ; Report May 3, 1458  
 Considered May 5

Moved, "That the Bill be now read 3<sup>o</sup>"  
 May 8, 1708

Amendt. to leave out "now," and add "upon this day six months" (Mr. Mundella) ; Question proposed, "That 'now,' &c." ; after short debate, Amendt. withdrawn ; main Question put, and agreed to ; Bill read 3<sup>o</sup> Lords Amendts.      [Bill 281]

i. Read 1<sup>o</sup> (Lord Heniker) May 9 (No. 102)  
 216] Bill read 2<sup>o</sup>, after debate June 10, 712

. Committee June 19, 1151      (No. 185)  
 . Report June 30, 1847      (No. 185)

. Read 3<sup>o</sup> July 7, 1842

217] Commons Amendt. to Lords Amendts. and Commons Reasons for disagreeing to one of the Amendts. made by the Lords considered (according to Order) July 21, 847 (No. 220-1)

Clause 8 (Power to suspend temporarily restrictive provisions of Act) omitted by the Lords ; re-inserted by the Commons

After short debate, on Question, whether to insist ? resolved in the negative

The Amendt. to which the Commons have disagreed not insisted on ; The Commons Amendt. to Lords Amendts. disagreed to ; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to the said Amendt.

Report from the Committee of the Reasons to be offered to the Commons for the Lords disagreeing to the Commons Amendt. to the Lords Amendts. read, and agreed to ; and a Message sent to the Commons to return the said Bill with the Reasons July 22

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Royal Assent August 5      [36 & 37 Vict. c. 67]

**Agricultural Labourers Meeting—Alleged Disturbances at Leighton Buzzard**

Question, Lord Edmond Fitzmaurice ; Answer, Mr. Bruce July 23, [217] 805 ; Questions, Colonel Gilpin ; Answers, Mr. Bruce, Lord Edmond Fitzmaurice July 28, 1889 ; Observations, Mr. Bruce July 31, 1825

**Agricultural Labourers Unions — Faringdon Highway Board**

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**Agricultural Machine Accidents**

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**Agricultural Returns**

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**"Alabama," The — Compensation for British Property**

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**ALBEMARLE, Earl of**

Army—Half-Pay Officers, [216] 1239, 1240

**Aldermen and Councillors Qualification**

Bill (Mr. Dixon, Mr. Carter, Mr. Mundella, Mr. Stapleton)

c. Ordered ; read 1<sup>o</sup> Feb 7      [Bill 30]  
 2R. July 30

**Alderney (Harbour and Fortifications)—Report of the Select Committee**

Observations, The Duke of Somerset ; Reply, Viscount Halifax Mar 31, [215] 331 ; short debate thereon July 11, [217] 196

**Alkali Act (1863)—Petition for Amendment**

Observations, Lord Ravensworth ; Reply, The Marquess of Ripon ; short debate thereon July 4, [216] 1778

**AMCOOTTS, Colonel W. C., Lincolnshire, Mid.**

Ways and Means—Report, [215] 1349

**AMPHLETT, Mr. R. P., Worcestershire, E.**

216] Supreme Court of Judicature, 2R. 860 ; Comm. cl. 6, 1733 ; cl. 22, 1800 ; cl. 28, 1876 ; cl. 29, 1879, 1884 ; cl. 31, 1886

217] cl. 48, Amendt. 45 ; cl. 50, 46 ; Amendt. 48 ; cl. 54, 177 ; Consid. cl. 55, 683

**Ancient Monuments Bill (Sir John Lubbock, Mr. Beresford Hope, Mr. Bouvierie, Mr. Osborne Morgan, Mr. Plunket)**

c. Ordered ; read 1<sup>o</sup> Feb 7      [Bill 5]  
 Bill read 2<sup>o</sup>, after short debate May 6, [215] 1607  
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*Irish Militia*, Question, Lord Dunsany; Answer, The Marquess of Lansdowne July 25, [217] 970

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*Militia Adjutants—Retirement Allowances*, Question, Mr. Raikes; Answer, Mr. Campbell-Bannerman June 27, [216] 1495

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*Militia Permanent Staff Sergeants*, Question, Mr. Wingfield Baker; Answer, Mr. Cardwell Mar 3, [214] 1185

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*Militia Storehouses*, Question, Lord George Hamilton; Answer, Mr. Cardwell Feb 18, [214] 596

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*Second Battalions of Militia Regiments*, Question, Mr. Stanley; Answer, Mr. Cardwell July 24, [217] 987

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*Easter Monday Reviews*, Question, Mr. Henry Samuelson; Answer, Mr. Cardwell Mar 4, [214] 1286; Observations, Questions, Lord Echo, Mr. Charley; Reply, Mr. Cardwell Mar 27, [215] 289; Questions, Mr. Charley; Answers, Mr. Cardwell Mar 28, 298

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*Volunteer Adjutants*, Question, Colonel C. Lindsay; Answer, Mr. Cardwell June 18, [216] 910

*Volunteer Bands*, Question, Lord Echo; Answer, Mr. Cardwell June 9, [216] 637

*Volunteer Officers—Vacancies*, Question, Colonel C. H. Lindsay; Answer, Sir Henry Storks

May 5, [215] 1486

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*Yeomanry Adjutants*, Question, Captain Hood; Answer, Mr. Cardwell April 8, [215] 522;

Question, Mr. Brocklehurst; Answer, Mr. Cardwell July 28, [217] 1088;—*Horse Duty*,

Question, Mr. Monckton; Answer, Sir Henry Storks May 15, [215] 2022

*Yeomanry and Volunteer Adjutants*, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Cardwell Feb 27, [214] 1085

*Yeomanry Uniforms*, Question, Viscount Newport; Answer, Sir Henry Storks Feb 21, [214] 788

**ARMY—Abolition of Purchase—Memorials of Officers**

Address for, Return of the number of officers of the army who have memorialised His Royal Highness the Commander-in-Chief with reference to their position and prospects consequent upon the abolition of purchase; and for, Copies of all letters from the generals commanding districts forwarding the said memorials (*The Duke of Richmond*) June 20, [216] 1223; after short debate, Motion agreed to (Parl. P. No. 196)

Questions, Sir John Pakington, Major Arbuth-

217] not; Answers, Mr. Cardwell July 10, 147

Moved that an humble Address be presented to

Her Majesty, praying Her Majesty that She will be graciously pleased to issue a Royal Commission to inquire into the allegations of the officers of Her Majesty's Army contained in the memorials mentioned in the Return made to this House (Parliamentary Paper 196.) as to the grievances which they state that they suffer consequent upon the abolition of purchase (*The Duke of Richmond*) July 21, 621; after debate, on Question? Cont. 129, Not-Cont. 46; M. 83; resolved in the affirmative

Division List, Cont. and Not-Cont. 646

The Queen's Answer to the Address reported by

the Lord Steward July 28, 1067

Question, Major Arbuthnot; Answer, Mr.

Cardwell August 1, 1432; Question, Colonel

North; Answer, Sir Henry Storks August 5,

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*Army—City of London Volunteers—The Artillery Company's Drill Ground*

Moved, "That Her Majesty's Government be requested to take such steps as they may deem necessary to obtain for the City of London Volunteers the use of the Artillery Ground in Finsbury at such times as it is not required by the Honourable Artillery Company or the City of London Militia" (*Sir John Lubbock*) April 22, [215] 810; after short debate, Motion withdrawn

*Army—Control Department—Autumn Manoeuvres, 1872—Reports*

Question, Major Arbuthnot; Answer, Sir Henry Storks Feb 13, [214] 377

Moved, "That an humble Address be presented to Her Majesty for, Copies of Reports made by Lieutenant General Sir Robert Walpole, Lieutenant General Sir John Michel, and the Generals commanding divisions, upon the working of the Control Department during the last Autumn Manoeuvres" (*The Duke of Richmond*) June 20, [216] 1220; after short debate, Motion withdrawn

Question, Mr. Holt; Answer, Sir Henry Storks August 4, [217] 1818

*Army—Honorary Colonels*

Moved, "That, inasmuch as it would greatly conduce to the diminution of our Military expenditure and the improvement of our Military organisation, that our establishment of officers, in all ranks, should be founded upon the actual requirements of the public service, the House is of opinion that no further appointments should be made to the honorary Colonels of regiments" (*Mr. Trevelyan*) May 6, [215] 1591; after debate, Question put; A. 40, N. 80; M. 40

*Army—Length of Service of Regiments in India*

Question, Colonel Barttelot; Answer, Mr. Cardwell Feb 13, [214] 388

Amendt. on Committee of Supply Feb 24, To leave out from "That," and add "in the opinion of this House, the term of Service of Regiments in India ought to be shortened" (*Colonel Barttelot*) v., [214] 838; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

*Limitation of Age*, Question, Mr. W. M. Torrens; Answer, Mr. Campbell-Bannerman July 11, [217] 1209

*Army—Medical Officers of the Army—Royal Warrant, 1858*

Moved, "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into her consideration the present position as regards rank and pay of the medical officers of the Army who volunteered and served on the West Coast of Africa between the years 1859 and 1867, in order that they may receive the benefit of the Royal Warrant signed the 1st of October 1858, of which they have hitherto been deprived" (*The Earl De La Warr*) July 15, [217] 392; after short debate, Motion withdrawn

*Army—Medical Officers Service in Africa*

Moved, "That an humble Address be presented to Her Majesty for, Return of the number of Medical Officers of the Army who volunteered and served on the West Coast of Africa between the years 1859 and 1867 under the Royal Warrant dated 1st of October 1858; also, Copy of the said Warrant which relates to medical services on the West Coast of Africa" (*The Lord Buckhurst*) June 12, [216] 829; after debate, Motion amended, and agreed to (Parl. P. No. 166)

*Army—Militia Reserve*

Moved, "That an humble Address be presented to Her Majesty, praying that the conditions under which militiamen were induced to enrol in the Militia Reserve Force during the years 1868, 1869, 1870, 1871, and 1872 may not be annulled retrospectively, as proposed by paragraph 1, clause 38, of the Auxiliary and Reserve Forces Circular, dated War Office, 21st April 1873, but that the operation of this clause shall commence only from the date of its issue" (*The Earl of Galloway*) July 7, [216] 1843; after short debate, Motion withdrawn

*Army Regulation Act—Military Centres, Oxford*

Question, Mr. Gathorne Hardy; Answer, Mr. Cardwell Feb 17, [214] 544; Question, Mr. Auberon Herbert; Answer, Mr. Cardwell May 20, [216] 171

Amendt. on Committee of Supply May 23, To leave out from "That," and add "a Select Committee be appointed to consider and report upon the reasons urged by Members of the University of Oxford against the selection of Oxford as a military centre, and also to consider and report upon the whole question of the advisability of selecting Oxford as a military centre" (*Mr. Auberon Herbert*) v., [216] 355; Question proposed, "That the words, &c.;" after debate, Question put; A. 134, N. 90; M. 44

Moved, "That an humble Address be presented to Her Majesty for, Copies of correspondence between the War Office and the Corporation of Oxford, or any other persons, concerning the purchase of a site for a Military Depot" (*The Marquess of Salisbury*) June 27, [216] 1489; after short debate, Motion agreed to (Parl. P. No. 236)

*Depot Centres—Lincoln—Grantham*, Question, Mr. Welby; Answer, Mr. Cardwell July 3, [216] 1706

*Cost of Depot Centres*, Question, Mr. Wharton; Answer, Mr. Cardwell June 19, [216] 1163

*Army—The "Boxer-Shrapnell" Shell*

Moved for, Copies of Correspondence in 1870-71 between the authorities at the War Office and Mr. W. Hope, V.C., late of the 7th Royal Fusiliers, relative to the shell adopted into the service, and officially known as the "Boxer Shrapnell," which Mr. Hope claims to be his invention, and substantially identical with a shell deposited by himself in charge of the late Superintendent of the Royal Laboratory, Woolwich Arsenal, in December, 1858:

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*Army—The "Boxer-Shrapnell" Shell—cont.*

Also for, Copies of any Correspondence between the authorities at the War Office and Major-General Boxer, or the Judge Advocate-General, or other Law Officer of the Crown, upon the above subject (*The Earl of Longford*) July 25, [217] 968; after short debate, the latter part of the Motion was withdrawn; Address agreed to (Parl. P. No. 278)

*Army—The Cavalry Force*

Amendt. on Committee of Supply June 6, To leave out from "That," and add "in the opinion of this House, considering the smallness of the Force, it is expedient to at once take steps for providing a sufficient reserve of men and horses for the Cavalry" (Mr. Reginald Talbot) v., [216] 552; Question proposed, "That the words, &c.;" after short debate, Question put; A. 128, N. 68; M. 60

*Army—The Volunteer Force—The New Regulations*

Amendt. on Committee of Supply July 11, To leave out from "That," and add, "it is expedient that inquiry should be made into the present state of the Volunteer Force, and into the causes that have led to the resignation of over 2,000 Officers' Commissions which are still vacant" (Colonel Charles Lindsay) v. [217] 229; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

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  - c. Considered in Committee; Bill ordered; read 1<sup>st</sup> Mar 27 [Bill 106]
  - Read 2<sup>nd</sup> April 3
  - Committee; Report April 28
  - Considered May 1
  - Read 3<sup>rd</sup> May 2
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- c. Considered in Committee; Bill ordered; read 1<sup>st</sup> June 12 [Bill 191]
- Bill withdrawn \* July 7

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- c. Ordered; read 1<sup>st</sup> Feb 7 [Bill 33]
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- Committee\*; Report Feb 20 [Bill 75]
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- Moved, "That the House be put into a Committee" Mar 6; after short debate, Committee put off
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- Commons Amendts. to Lords Amendts. and Reasons considered April 4, 599; Debate adjourned (No. 60)
- Debate resumed April 21; Amendts. to which the Commons disagree, not insisted on; Commons Amendts. to Lords Amendts. agreed to (No. 63)
- Royal Assent April 24 [38 Vict. c. 9]

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**Blackwater Bridge Bill**

(*Mr. Montague Guest, Sir John Estronde*)

c. Ordered; read 1<sup>o</sup> May 28 [Bill 176]

Read 2<sup>o</sup> June 16

Bill committed to a Select Committee\*; Committee nominated June 19 as follows:— Mr. Seymour (Chairman), Sir Colman O'Loghlen, Mr. Stone; Colonel Walker, Mr. Edward Wells added by Committee of Selection

Report of Select Comm. June 26 [Bill 218]

Re-comm.—2R. June 30

Report\* July 1

Considered\* July 2

Read 3<sup>o</sup> July 3

i. Read 1<sup>o</sup> (*M. of Lansdowne*) July 4 (No. 197)

Read 2<sup>o</sup> July 8

Committee\*; Report July 17

Read 3<sup>o</sup> July 18

Royal Assent July 21 [36 & 37 Vict. c. 46]

**Blackwater Bridge [Composition of Debt] Bill**

(*Mr. Baxter, Mr. William Henry Gladstone*)

c. Ordered; read 1<sup>o</sup> May 26 [Bill 177]  
Bill read 2<sup>o</sup>, after short debate June 30, [216] 1605

Committee\*; Report July 3

Read 3<sup>o</sup> July 4

i. Read 1<sup>o</sup> (*Marquess of Lansdowne*) July 7

Read 2<sup>o</sup> July 10 (No. 199)

Committee\*; Report July 11

Read 3<sup>o</sup> July 15

Royal Assent July 21 [36 & 37 Vict. c. 47]

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(*Mr. Callan, Mr. Mitchell Henry, Mr. Downing*)

c. Ordered\* April 1

Read 1<sup>o</sup> April 2 [Bill 118]

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 (Mr. Cross, Mr. Gourley, Mr. Walpole, Mr. Gregory, Mr. Torrens, Mr. Dodds)  
 c. Ordered ; read 1<sup>o</sup> Mar 31 [Bill 111]  
 Bill withdrawn \* July 7

**Building Societies (No. 2) Bill**  
 (Mr. Winterbotham, Mr. Secretary Bruce, Mr. Solicitor General)  
 c. Motion for Leave (Mr. Winterbotham) April 29, [215] 1190 ; Bill ordered ; read 1<sup>o</sup> \* [Bill 141]  
 Bill withdrawn \* June 16

**Building Societies (No. 3) Bill**  
 (Mr. Winterbotham, Mr. Secretary Bruce)  
 c. Ordered \* June 13  
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c. Considered in Committee ; Bill ordered ; after short debate, read 1<sup>o</sup> Feb 7, [214] 176 [Bill 9]  
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**Channel Islands—Platte Bone Rock**

Question, Viscount Bury; Answer, Mr. Shaw Lefevre June 20, [216] 1229

**Charing Cross and Victoria Embankment Approach Bill**

c. Moved, "That Standing Orders Nos. 7 and 203 be suspended in the case of the Charing Cross and Victoria Embankment Approach Bill, and that the Bill be referred to a Select Committee of Nine Members, Five to be nominated by the House, and Four by the Committee of Selection, and that they be empowered to consider generally and report upon the Charing Cross and Victoria Embankment Approaches" (*Lord Echo*) Feb 27, [214] 1024; after debate, Question put: 'A. 72, N. 187; M. 115  
Bill considered, after short debate May 15, [215] 2014

**CHARLEY, Mr. W. T., Salford**

Army—Easter Monday Reviews, [215] 200, 291, 298

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**Chelsea Water Bill [H.L.]**

i. Moved, "That the Bill be now read 2<sup>o</sup>" Feb 27, [214] 1012

Amendt. to leave out ("now,") and insert ("this day six months") (*The Marquess of Salisbury*); after short debate, on Question, That ("now") do.; Cont. 20, Not-Cont. 70; M. 41; resolved in the negative; and Bill to be read 2<sup>o</sup> this day six months  
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Public Expenditure, Res. Amendt. [214] 665

Railway and Canal Traffic, Comm. [215] 869; cl. 3, 371; cl. 4, 375; cl. 10, 376, 377, 379, 380; cl. 22, 592; add. cl. 598

Supply—Court of Chancery, [215] 1774

\*Ways and Means, Comm. [215] 980

**Children's Employment in Dangerous Performances Bill [H.L.]**

(*The Lord Buckhurst*)

i. Presented; read 1<sup>o</sup> June 17 (No. 162)  
Bill withdrawn, after short debate June 23, [216] 1242

**Children's Protection Bill**

(*Mr. Mundella, Mr. Andrew Johnston, Mr. John Gilbert Talbot, Mr. Raikes*)

c. Ordered; read 1<sup>o</sup> Mar 4 [Bill 89]  
2R. [Dropped]

**China**

Coolie Trade, Observations, Sir Charles Wingfield; Reply, Viscount Enfield; debate thereon May 23, [216] 375;—Macao, Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen June 10, 724

The Coolie Kwok-a-Sing, Question, Sir James Lawrence; Answer, Mr. Knatchbull-Hugessen Feb 20, [214] 737

Treaty of Tien-Tsin, Question, Mr. Akroyd; Answer, Viscount Enfield Mar 10, [214] 1610

**Cholera, The**

Question, Mr. Dent; Answer, Mr. Stansfeld July 7, [216] 1854

**Church Discipline Act Amendment Bill**

(*Mr. Whalley, Mr. Jones Parry*)

c. Ordered; read 1<sup>o</sup> July 10 [Bill 234]  
2R. [Dropped]

*Church of England, Confession in the*

Moved that a Select Committee be appointed to consider by what legislation or other means the danger apprehended of a considerable minority of the clergy and laity desiring to subvert the principles of the Reformation may be averted (*The Lord Oranmore and Browne*) July 14, [217] 289; after debate, on Question 1 resolved in the negative

Personal Explanation, Lord Oranmore and Browne; Reply, The Bishop of Winchester July 15, 385

Moved, that an humble Address be presented to Her Majesty for, Copy of petition presented to the Upper House of Convocation of the Province of Canterbury by the Archbishop of Canterbury, praying among other things for the training and licensing of a body of confessors in the Church of England; together with the names of the subscribers and copy of the answer to the same presented by the Committee of the whole Upper House (*The Earl of Harrowby*) July 29, [217] 1186; after short debate, Motion withdrawn

*Sacramental Confession—Letters of the Pri-mates*, Questions, Viscount Sandon, Mr. Whalley; Answers, Mr. Gladstone July 7, [216] 1851;—*Petition to Convocation*, Questions, Sir John Pakington; Answers, Mr. Bruce July 10, [217] 148

*West Indies Clergy Act*—*The Bishop of Kingston*, Question, Sir Charles Adderley; Answer, Mr. Knatchbull-Hugessen July 31, [217] 1330

*Church of England Revenues*

Moved, "That an humble Address be presented to Her Majesty, praying that She will appoint a Royal Commission to inquire into the amount and application of the revenues of the Church of England and into the system of parochial benefices, with a view to the better adjustment of parishes and incomes and the amendment of the Law relating to patronage (*Mr. Thomas Hughes*) July 15, [217] 447; after debate, Question put, and negatived

*Churches of England and Scotland—Dis-establishment*

Amendt. on Committee of Supply May 16, To leave out from "That," and add "the establishment by Law of the Churches of England and Scotland involves a violation of religious equality, deprives those churches of the right of self-government, imposes on Parliament duties which it is not qualified to discharge, and is hurtful to the religious and political interests of the community, and, therefore, ought no longer to be maintained" (*Mr. Mall*) v., [216] 18; Question proposed, "That the words, &c.;" after short debate, Question put; A. 356, N. 61; M. 295

Division List, Ayes and Noes, 50

*Civil Bills, &c. (Ireland) Bill*

(*Mr. Downing, Sir Colman O'Loughlen, Mr. Smith Barry, Mr. William Shaw*)  
c. Ordered; read 1<sup>o</sup> June 11 [Bill 187]  
Read 2<sup>o</sup> July 9  
Bill withdrawn \* July 18

*Civil Bills, &c. (Ireland) [Salaries]*

Considered in Committee July 14, [217] 383  
Moved, "That it is expedient to authorise the payment, out of the Consolidated Fund, of any increase of Salaries provided for under any Act of the present Session to consolidate and amend the Laws relating to Civil Bills and Courts of Quarter Sessions in Ireland" (*Mr. Downing*)

Moved, "That the Chairman do report Progress" (*Mr. Glyn*): Motion negatived  
Original Question again proposed; Moved, "That the Chairman do report Progress" (*Mr. Secretary Bruce*); Question put; A. 21, N. 26; M. 5  
Original Question put; A. 18, N. 28; M. 10; [No Report]

*Civil Service*

*Appointments by Public Departments*, Question, Mr. O'Reilly; Answer, The Chancellor of the Exchequer Mar 25, [215] 101; Question, The O'Conor Don; Answer, The Chancellor of the Exchequer Mar 31, 345

*Pensions*, Question, Mr. Watney; Answer, Mr. W. H. Gladstone August 4, [217] 1530  
*Pensions to Widows and Families*, Observations, Mr. Baillie Cochrane August 1, [217] 1471 [House counted out]  
*Superannuation Act—Case of Mr. Freeth*. Question, Mr. Watney; Answer, Mr. W. H. Gladstone August 5, [217] 1561

*Civil Service Writers*

*Case of the Writers*, Question, Personal Explanation, Mr. Otway; Reply, Mr. Gladstone June 12, [216] 842; Question, Mr. Otway; Answer, Mr. Chancellor of the Exchequer June 17, 1062

Select Committee appointed "to inquire whether Writers appointed before August 1871 have suffered any wrong or injustice by the cessation of the system of a progressive rate of payment" (*Mr. Otway*) June 17, 1108

And, on July 2, Committee nominated as follows:—Mr. Otway (Chairman), Mr. Backhouse, Mr. Bates, Mr. Dillwyn, Lord George Hamilton, Sir Percy Herbert, Sir Henry Hoare, Mr. Kirkman Hodgeson, Mr. Plunket, Mr. Stansfeld, and Mr. Percy Wyndham  
Report of Select Committee July 30  
(Parl. P. No. 370)

Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer July 24, [217] 902  
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**CLAY**, Mr. J., *Kingston-on-Hull*

Commercial Marine, Motion for an Address,  
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**Clerical Justices Disqualification and Justices of Peace Qualification Bill**  
*(Mr. Hinde Palmer, Mr. Locke King)*

c. Ordered ; read 1<sup>st</sup> June 18      [Bill 197]  
 Bill withdrawn \* July 29

**CLEVELAND**, Duke of

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**Coal**

*Coal Fields of China*, Question, Mr. Akroyd ; Answer, Viscount Enfield Feb 17, [214] 541  
*Coal Mines—Inundations of Workings*, Question, Mr. Newdegate ; Answer, Mr. Bruce Feb 27, [214] 1031  
*Coal Supply*, Question, Mr. Corrane ; Answer, Mr. Gladstone Feb 7, [214] 153  
*Coals, Price of—Metropolitan Railways*, Question, Mr. Eykyn ; Answer, Mr. A. Peel Feb 17, [214] 547  
*Colliery Managers*, Question, Mr. Finnie ; Answer, Mr. Bruce Feb 13, [214] 877  
*Duties or Restrictions on Export*, Question, Mr. W. H. Smith ; Answer, Mr. Gladstone Feb 13, [214] 370

**Coal, Scarcity of**

Amendt. on Committee of Supply Feb 21, To leave out from "That," and add "a Select Committee be appointed to inquire into the causes of the present dearness and scarcity of Coal, and report thereon to the House" (*Mr. Mundella*) v., [214] 815 ; after short debate, Question, "That the words, &c." put, and negatived ; words added ; main Question, as amended, put, and agreed to ; Select Committee appointed

And, on Mar 4, Committee nominated as follows :—Mr. Ayrton (Chairman), Mr. Anderson, Mr. Carter, Mr. Corrane, Mr. Denison, Mr. Elliot, Mr. Grieve, Mr. Liddell, Mr. Mundella, Mr. Pease, Mr. Pim, Mr. Edmund

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**COCHRANE**, Mr. A. D. W. R. Baillie, *Isle of Wight*

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Local Taxation, Motion for a Committee, [215] 1839  
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**Colonial Church Bill [H.L.]**

(*The Lord Blachford*)

1. Presented; read 1<sup>st</sup> May 15 (No. 118)  
Bill read 2<sup>nd</sup>, and referred to a Select Committee, after short debate May 27, [216] 484  
And, on June 12, the Lords following were named of the Committee:—Abp. Canterbury, Abp. York, D. Richmond, M. Salisbury, D. Abercorn, E. Doncaster, E. Belmore, E. Chichester, E. Grey, E. Harrowby, E. Kimberley, V. Canterbury, V. Eversley, Bp. Winchester, Bp. Lichfield, L. Brodrick, L. Cairns, L. Hatherley, L. Lisgar, and L. Blachford  
Report of Select Comm. \* July 10 [No. 202]  
Bill reported \* July 10 (No. 203)  
Committee \* July 11 (No. 208)  
Report \* July 14  
Read 3<sup>rd</sup> \* July 15  
c. Read 1<sup>st</sup> \* July 17 [Bill 248]  
Read 2<sup>nd</sup> \* July 23  
Committee [Dropped]

**Colonies**

Amendt. on Committee of Supply Feb 28, To leave out from "That," and add "a Select Committee be appointed to consider the relations that subsist between the United Kingdom and the Colonies, particularly as they affect the direction which emigration takes and the occupation of waste lands within the Empire" (*Mr. Macfie*) v., [214] 1102; after debate, Question, "That the words, &c.," put, and agreed to

**Colonies, Defence of the**

Amendt. on Committee of Supply Mar 7, To leave out from "That," and add "this House is of opinion that the time has now come when, having regard to the best interests of

[cont.]

[cont.]

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*Colonies, Defence of the*—cont.

the Empire, the taxpayers of the United Kingdom should be relieved from the unequal burden of taxation which they have hitherto borne for Imperial purposes; and that with this view each Colony should be invited to contribute, in proportion to its population and wealth, such annual contingents of men or such sums of money towards the defence of the Empire as may, by arrangement between the Home and Colonial Governments, be hereafter deemed just and necessary" (*Lord Eustace Cecil v. [214] 1820*; Question proposed, "That the words, &c.," after debate, Amendt. withdrawn

**COLONSAY, Lord**

Conveyancing (Scotland), 2R. [216] 1887;  
Comm. cl. 3, Amendt. [217] 599, 600;  
Commons Amendt. Amendt. 1423  
Law Agents (Scotland), 2R. [216] 1781;  
Comm. add. [217] 203, 204, 205; Report,  
Amendt. 887; Consider. 1084

**COLTHURST, Sir G., Kinsale**

Union Rating (Ireland), 2R. Amendt. [214] 754

*Commons, Inclosure of—Legislation*

Question, Mr. Spencer Stanhope; Answer, Mr.  
Bruce May 26, [216] 432

**CONOLLY, Mr. T., Donegal Co.**

University Education (Ireland), 2R. Amendt.  
[214] 1856

**Consolidated Fund Appropriation Bill**

(*Mr. Bonham-Carter, Mr. Chancellor of the  
Exchequer, Mr. Baxter*)

- c. Ordered; read 1<sup>o</sup> July 30
- 217] Read 2<sup>o</sup>, after debate July 31, 1858  
Order for Committee read; Moved, "That  
Mr. Speaker do now leave the Chair"  
August 1, 1450; after short debate, Com-  
mittee; Report  
Read 3<sup>o</sup>, after short debate August 2, 1477
- i. Read 1<sup>o</sup> (Earl Granville) August 2  
Bill read 2<sup>o</sup>, after short debate August 4, 1810;  
Committee negatived; Standing Orders Nos.  
37. and 38. considered (according to Order)  
and dispensed with; Bill read 3<sup>o</sup>  
Royal Assent August 5 [36 & 37 Vict. c. 79]

**Consolidated Fund &c. (Permanent  
Charges Redemption) Bill**

(*Mr. Baxter, Mr. William Henry Gladstone*)

- c. Ordered; read 1<sup>o</sup> June 24 [Bill 206]  
Read 2<sup>o</sup> June 30  
Committee<sup>\*</sup>; Report July 8  
Read 3<sup>o</sup> July 4
- i. Read 1<sup>o</sup> (Marquess of Lansdowne) July 7  
Read 2<sup>o</sup> July 21 (No. 198)  
Committee<sup>\*</sup>; Report July 24  
Read 3<sup>o</sup> July 25  
Royal Assent July 28 [36 & 37 Vict. c. 57]

**Consolidated Fund (20,317,346 19s. 9d.)  
Bill (Mr. Bonham-Carter, Mr. Baxter, Mr.  
William Henry Gladstone)**

- c. Resolutions [March 21] reported; Bill or-  
dered; read 1<sup>o</sup> Mar 24  
Read 2<sup>o</sup> Mar 26  
Committee<sup>\*</sup>; Report Mar 27  
Read 3<sup>o</sup> Mar 28
- i. Read 1<sup>o</sup> (Marquess of Lansdowne) Mar 28  
Read 2<sup>o</sup>; Committee negatived; read 3<sup>o</sup>;  
Royal Assent Mar 29 [36 Vict. c. 3]

**Consolidated Fund (£12,000,000) Bill**  
(*Mr. Bonham-Carter, Mr. Chancellor of the  
Exchequer, Mr. Baxter*)

- c. Ordered; read 1<sup>o</sup> May 16  
Read 2<sup>o</sup> May 19  
Committee<sup>\*</sup>; Report May 21  
Read 3<sup>o</sup> May 22
- i. Read 1<sup>o</sup> (Earl Granville) May 23  
Read 2<sup>o</sup> May 26  
Committee<sup>\*</sup>; Report May 27  
Read 3<sup>o</sup> June 9  
Royal Assent June 16 [36 Vict. c. 26]

**Consolidated Rate Bill** (*Mr. Stansfeld,  
Mr. Secretary Bruce, Mr. Goschen, Mr. Hibbert*)

- c. Ordered; read 1<sup>o</sup> May 5 [Bill 148]  
Question, Mr. W. Morrison; Answer, Mr.  
Hibbert May 23, [216] 857  
Bill withdrawn<sup>\*</sup> July 7

**Conspiracy Law Amendment Bill**

(*Mr. Vernon Harcourt, Mr. Mundella, Mr.  
Rathbone, Mr. James*)

- c. Ordered<sup>\*</sup> June 11  
Read 1<sup>o</sup> June 12 [Bill 190]  
Bill read 2<sup>o</sup>, after short debate July 7, [216]  
1889
- Committee<sup>\*</sup>; Report July 24 [Bill 263]  
Considered<sup>\*</sup> July 25  
Read 3<sup>o</sup> July 28
- i. Read 1<sup>o</sup> (Earl of Kimberley) July 29 (No. 256)  
217] Bill read 2<sup>o</sup>, after short debate July 31, 1819  
Committee, after short debate August 1, 1419;  
Amends. made (No. 270)  
Report<sup>\*</sup>; read 3<sup>o</sup> August 2
- c. Order for consideration of Lords Amendts.  
read August 4, 1533  
Moved, "That the Lords Amendts. be taken  
into Consideration this day three months"  
(*Mr. Vernon Harcourt*), 1533; after short  
debate, Question put, and agreed to

**Constabulary Force (Ireland) Bill**

(*The Marquess of Hartington, Mr. Secretary  
Bruce*)

- c. Resolution [July 21] reported, and agreed to;  
Bill ordered; read 1<sup>o</sup> July 22 [Bill 257]  
Read 2<sup>o</sup> July 25  
Committee<sup>\*</sup>; Report July 28  
Committee<sup>\*</sup> (on re-comm.); Report July 29  
Read 3<sup>o</sup> July 30
- i. Read 1<sup>o</sup> (M. of Lansdowne) July 31 (No. 261)  
Read 2<sup>o</sup>; Committee negatived August 1  
Read 3<sup>o</sup> August 2  
Royal Assent August 5 [36 & 37 Vict. c. 74]

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*Consular Service, The*

Question, Mr. Eastwick; Answer, Viscount Enfield Feb 28, [214] 1100

*Contagious Diseases Acts Repeal (1866-1869) Bill* (Mr. William Forster, Mr. Jacob Bright, Mr. Mundella)

c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 29]  
 Moved, "That the Bill be now read 2<sup>o</sup>" May 21, [216] 218

Amendt. to leave out "now," and add "upon this day six months" (Sir John Pakington); after long debate, Question put, "That now, &c." A. 128, N. 251; M. 123

Words added; main Question, as amended, put, and agreed to; Bill put off for six months

*Contagious Diseases (Animals) Act*

Moved, "That a Select Committee be appointed to inquire into the operations of the Contagious Diseases (Animals) Act, 1869, and the Cattle Disease Acts (Ireland), and the constitution of the Veterinary Departments of Great Britain and Ireland" (Mr. Clare Read) Feb 14, [214] 508; after debate, Motion agreed to; Select Committee appointed

And, on Feb 28, Committee nominated as follows:—Mr. William Edward Forster (Chairman), Mr. James Barclay, Mr. Jacob Bright, Mr. Callan, Mr. Cawley, Mr. Clay, Mr. Dent, Mr. Dodson, Mr. William Johnston, Mr. Kavanagh, Mr. Lusk, Mr. Monsell, Lord Robert Montagu, Mr. O'Conor, Mr. Pell, Mr. Clare Read, Mr. Ridley, Sir Henry Selwin-Ibbetson, and Mr. Tipping

Report of Select Committee July 25  
 (Parl. P. No. 353)

Question, Colonel North; Answer, Mr. W. E. Forster August 4, [217] 1520.

*Conveyancing (Scotland) Bill*

(Mr. Secretary Bruce, The Lord Advocate, Mr. Winterbotham)

c. Ordered; read 1<sup>o</sup> Mar 27 [Bill 108]  
 215] Bill read 2<sup>o</sup>, after short debate April 24, 1862

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 8, 1865

Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (Mr. Gordon) v.; Question, "That the words, &c.," put, and agreed to; Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P. 216 Committee—n.r. May 19, 1861

Committee; Report May 27, 508 [Bill 178]  
 Considered June 5

Read 3<sup>o</sup> June 6

Lords Amendts. [Bill 268]

i. Read 1<sup>o</sup> (Lord Chancellor) June 9 (No. 141)  
 . Bill read 2<sup>o</sup>, after debate July 8, 1865

217] Committee July 18, 598 (No. 297)  
 . Report July 24, 856; further Amendts. made (No. 298)

Read 3<sup>o</sup> July 25

*Conveyancing (Scotland) Bill—cont.*

e. Lords Amendts. considered; several agreed to; several disagreed to; and several amended, and agreed to; Committee appointed "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendts. to which this House hath disagreed" July 29  
 Lords Reasons for disagreeing to certain of the Lords Amendts. reported, and agreed to; to be communicated to the Lords July 30.

i. Returned from the Commons with several of the Amendts. agreed to; several agreed to, with Amendts.; and several disagreed to, with Reasons; the said Reasons and Amendts. to be printed July 31 (No. 264)  
 Moved, That the Commons amendts. to Lords amendts. and Commons reasons for disagreeing to certain of the amendts. made by the Lords be now considered (The Lord Chancellor) August 1, 1868

Amendt. to leave out ("now") and insert ("this day three months") (The Lord Colonsay); after short debate, on Question, That ("now,") &c.; Coms. 25, Not-Cont. 43; M. 18

Division List, Cont. and Not-Cont. 1426  
 Resolved in the negative; Commons amendts. to Lords amendts. and Commons reasons for disagreeing to certain of the amendts. made by the Lords, to be considered on this day three months

*CORBETT, Colonel E., Shropshire, S.*

Army—Auxiliary Forces, [216] 1854

Militia—General Orders, [216] 908

Army—Length of Service (India), Res. [214] 854

Army Estimates—Land Forces, [214] 1058

Criminal Law—Chipping Norton Magistrates, [216] 501

Shropshire Magistrates—Whitefoot, George, Case of, [215] 1769

*CORRANCE, Mr. F. S., Suffolk, E.*

Agricultural Children, 3R. [215] 1708  
 Barking Charity Schools, Motion for an Address, [215] 1960

Coal Supply, [214] 153

Elementary Education Act (1870) Amendment, Re-comm. cl. 3, [217] 775, 778

Landlord and Tenant, 2R. [216] 1645

Local Government Board—Inspectors and Health Officers, [215] 18

Local Taxation, Motion for a Committee, [215] 1838

Merchant Shipping Code, [214] 1397

Parliament—Address in Answer to the Speech, Report, [214] 165

Parliamentary Elections (Expenses), 2R. [216] 1126

Public Health, 2R. Amendt. [215] 1665; Comm. [217] 90

Rating (Liability and Value)—Valuation—Consolidated Rate, Leave, [215] 1512; 2R. [216] 284; Comm. 739; cl. 3, 923; Amendt. 1023, 1028, 1029; cl. 13, 1193, 1195, 1839; cl. 15, 1424

San Juan Award—Rights of British Subjects, [214] 597

Supply—Local Government Board, [215] 1019

Ways and Means, Financial Statement, Comm. [215] 682; Report, 917

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- CORRIGAN, Sir D. J., Dublin City**  
 Customs Outport Clerks, Res. Report, [217]  
 1242  
 Elementary Education Act (1870) Amendment,  
 Re-comm. cl. 3, [217] 773  
 Endowed Schools Act (1869) Amendment,  
 Comm. add. cl. [217] 952  
 Ireland—Civil Servants, Res. [216] 1826  
 Lunatic Asylum Boards (Ireland), [217] 145  
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 \*University Education (Ireland), 2R. [214]  
 1659, 1751  
 Weights and Measures (Metric System), 2R.  
 [217] 462

- Court of Queen's Bench (Ireland) (Grand Juries) Bill** (*Sir Colman O'Loghlen, Mr. Sergeant Sherlock*)  
 c. Ordered; read 1<sup>o</sup> June 19 [Bill 198]  
 Read 2<sup>o</sup> June 28  
 Committee\*; Report June 26  
 Read 3<sup>o</sup> June 27  
 Lords Amends. [Bill 269]  
 l. Read 1<sup>o</sup> (Lord O'Hagan) June 30 (No. 184)  
 Read 2<sup>o</sup> July 11  
 Committee\* July 17 (No. 224)  
 Report\* July 18  
 Read 3<sup>o</sup> July 21  
 Royal Assent August 5 [36 & 37 Vict. c. 65]

**COURTOWN, Earl of**  
 Colonial Church, 2R. [216] 491  
 Game, &c., Motion for a Return, [214] 1282

- County Authorities (Loans) Bill**  
 (Mr. Winterbotham, Mr. Secretary Bruce)  
 c. Ordered; read 1<sup>o</sup> April 21 [Bill 134]  
 Read 2<sup>o</sup> May 5  
 Committee\*—n.r. May 12  
 Committee\*; Report May 15  
 Considered\* May 16  
 Read 3<sup>o</sup> May 19  
 l. Read 1<sup>o</sup> (Earl of Morley) May 20 (No. 124)  
 Read 2<sup>o</sup> June 10  
 Committee\*; Report June 13  
 Read 3<sup>o</sup> June 16  
 Royal Assent July 7 [36 & 37 Vict. c. 35]

- Courts of Justice, The New**  
 Question, Mr. Gregory; Answer, Mr. Ayrton Feb 10, [214] 198; Observations, Mr. Gregory; Reply, Mr. Ayrton; debate thereon May 23, [216] 396  
**The Revised Designs, Questions, Mr. Wait;**  
 Answers, Mr. Ayrton July 15, [217] 398

- Cove Chapel, Tiverton, Marriages Legalization Bill** [H.L.]  
 (The Lord Bishop of Exeter)  
 l. Presented; read 1<sup>o</sup> Feb 11 (No. 11)  
 Read 2<sup>o</sup> Feb 14  
 Committee\*; Report Feb 23  
 Read 3<sup>o</sup> Feb 27  
 c. Read 1<sup>o</sup> (Mr. Winterbotham) Feb 28  
 Read 2<sup>o</sup> Mar 3 [Bill 86]  
 Committee\*; Report Mar 4  
 Read 3<sup>o</sup> Mar 6  
 l. Royal Assent Mar 13 [36 Vict. c. 1]

- COWPER, Earl**  
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 Railway Casualties, Motion for Return, [216] 832  
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- COWPER-TEMPLE, Right Hon. W. F., Hampshire, S.**  
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- County Courts (England)**  
 Moved for, Return from every County Court in England of the specific days on which the Judge sat in the six months ended the 30th June 1873, together with the following particulars, viz.:  
 The County Court of holden at [Tabular form]  
 (The Lord Chancellor) August 4, [217] 1515;  
 Motion agreed to

- County Franchise (Ireland) Bill**  
 (Mr. Callan, Mr. Mitchell Henry, Mr. Downing)  
 c. Ordered\* April 1  
 Read 1<sup>o</sup> April 2 [Bill 119]  
 2R. Order discharged\* June 18

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**CRAUFURD, Mr. E. H. J., Ayr, &c.**  
 Church of Scotland (Patronage), Res. Previous Question moved, [216] 1190  
 Conveyancing (Scotland), 2R. [215] 965 ; Comm. cl. 3, Amendt. 1842 ; cl. 18, [216] 506 ; cl. 16, 508 ; cl. 41, 512  
 Customs Outport Clerks, Res. Report, [217] 1289, 1243  
 Endowed Schools Act (1869) Amendment, Comm. cl. 11, Amendt. [217] 946 ; cl. 15, 948 ; add. cl. 953  
 Juries, Comm. cl. 5, [216] 517 ; cl. 45, 535, 538  
 216] Law Agents (Scotland), Comm. cl. 2, 541 ; Amendt. 543, 544 ; cl. 5, Amendt. 545 ; cl. 7, 613 ; cl. 8, Amendt. ib., 614 ; cl. 13, Amendt. 615 ; cl. 15, Amendt. ib. ; cl. 19, Amendt. 616  
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*Shropshire Magistrates—Case of George Whitefoot*, Question, Mr. P. A. Taylor ; Answer, Mr. Bruce May 1, [215] 1298 ; Observations, Mr. P. A. Taylor ; Reply, The Attorney General ; short debate thereon May 9, 1763  
*The Weaverham Cock-Fighting Case*, Question, Mr. P. A. Taylor ; Answer, Mr. Bruce July 14, [217] 302 ; July 31, 1324 ; Question, Mr. Jacob Bright ; Answer, Mr. Bruce August 4, [217] 1631 ; Question, Sir Wilfrid Lawson ; Answer, Sir Henry Storks August 5, 1560

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*Administration of the Police—Motion for a Select Committee, Observations, Mr. Eykyn; Reply, Mr. Bruce; short debate thereon May 9, [215] 1733*

*Constabulary of Radnor, Question, Sir Joseph Bailey; Answer, Mr. Bruce May 1, [215] 1299*

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*Criminal Law—The Tichborne Case—The Queen v. Castro*

215] Question, Mr. Whalley; Answer, Mr. Bruce May 1, 1294; Question, Mr. M. Guest; Answer, Mr. Bruce May 2, 1405; Question, Mr. Whalley; Answer, Mr. Bruce May 5, 1488; Questions, Mr. Whalley; Answers, Mr. Bruce May 8, 1681; Question, Mr. O'Conor; Answer, Mr. Bruce May 15, 2019; 216] Question, Observations, Mr. Whalley; Reply, Mr. Bruce May 23, 408

Moved, "That in the case of 'The Queen v. Castro, alias Tichborne,' Copies be produced of the Application to the Lords of the Treasury for aid to the Defendant, and of the Reply thereto; of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury on the subject of the said prosecution; and for a Return of the sums allowed by the Treasury in respect of Fees to Counsel and other expenses incurred by prisoners in Ireland during the last ten years" (Mr. Whalley) June 13, 959; after debate, the last paragraph struck out; Motion, as amended, agreed to

Copies ordered, "of the Application to the Lords of the Treasury for aid to the Defendant in the case of Queen v. Castro alias Tichborne, and of the Reply thereto; and, of the Correspondence between Mr. Whalley, M.P., and the Solicitor to the Treasury, on the subject of the said prosecution" (Mr. Whalley) (Parl. P. No. 297)

Question, Mr. Whalley; Answer, The Chancellor of the Exchequer June 19, 1167; Question, Mr. Whalley; Answer, Mr. Bruce July 8, [217] 38

*Prosecution for Contempt of Court, Question, Mr. Whalley; Answer, Mr. Gladstone June 17, 1084; Explanation, The Attorney General June 19, 1173; Observations, Mr. Whalley; Reply, Mr. Bruce July 11, [217] 264 [House counted out]*

*Criminal Law Amendment Act, 1871*

Moved, "That a Select Committee be appointed to consider what changes it is desirable to make in the Criminal Law Amendment Act, 1871" (Mr. Auberon Herbert) July 16, [217] 459; after short debate, Question put; A. 35, N. 39; M. 4

*Criminal Law Amendment Act (1871)*

*Repeal Bill } (Mr. Mandella,  
Mr. Morley, Mr. Carter, Mr. Eustace Smith)*

e. Ordered; read 1<sup>o</sup> April 12 [Bill 161]  
2R. [Dropped]

*CROFT, Sir H. G. D., Herefordshire*

*Burials, 2R. [215] 208  
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*Local Taxation, Motion for a Committee, [215] 1830, 1833*

*Municipal Boroughs Extension, 2R. [217] 121  
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214] Railway and Canal Traffic, Leave, 242  
215] Comm. 361; cl. 4, 373; cl. 10, 376, 377; Amendt. 378, 380, 382; cl. 11, 384; cl. 20, 386, 387; cl. 24, Amendt. 594; cl. 33, 595; 2R. 1107

216] Lords Amendts. Amendt. 1301, 1303, 1304, 1305

*Rating (Liability and Value), 2R. [216] 306; Comm. cl. 8, 1024, 1026; Consid. [217] 414; Amendt. 418*

*Register for Parliamentary and Municipal Electors, Comm. [215] 293; cl. 9, 961; Re-comm. cl. 13, 1693*

*Superannuation Act Amendment, Comm. cl. 1, [215] 1704, 1706, 1707*

*Supreme Court of Judicature, 2R. [216] 686; Comm. cl. 13, Amendt. 1749, 1750; cl. 18, 1791; cl. 27, Amendt. 1873, 1874; cl. 31, 1887; cl. 39, [217] 46; Consid. cl. 22, 681*

*Turnpike Acts Continuance, &c. Comm. [216] 1758*

*University Education (Ireland), [214] 599*

*Valuation, [217] 607*

*Ways and Means, Comm. [215] 947*

*Crown Lands Bill—Formerly } Woods and Forests Bill }*

*(Mr. William Henry Gladstone, Mr. Baxter)*

e. Ordered; read 1<sup>o</sup> April 28 [Bill 140]

*Read 2<sup>o</sup> May 5*

*Committee\*; Report May 8*

[cont.]

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*Crown Lands Bill* [cont.]

Considered \* May 12  
 Read 3<sup>o</sup> \* May 13  
 l. Read 1<sup>o</sup> \* (Duke of St. Albans) May 15  
 Read 2<sup>o</sup> \* May 23 (No. 117)  
 Committee \*; Report June 10  
 Read 3<sup>o</sup> \* June 13  
 Royal Assent July 7 [36 & 37 Vict. c. 36]

*Crown Private Estates Bill* [H.L.]  
 (The Lord Chancellor)

l. Presented; read 1<sup>o</sup> June 26 (No. 175)  
 216] Bill read 2<sup>o</sup> June 30, 1858  
 Committee \*; Report July 1  
 Read 3<sup>o</sup> \* July 8  
 c. Read 1<sup>o</sup> \* (Mr. Gladstone) July 7 [Bill 292]  
 217] Moved, "That the Bill be now read 2<sup>o</sup>"  
 July 21, 1858

Amendt. to leave out from "That," and add  
 "it is expedient to extend the scope of the  
 Act 25 and 26 Vic. c. 37, until the secrecy  
 at present attaching exclusively to Crown  
 testaments is abolished" (Mr. Anderson) v.;  
 Question proposed, "That the words, &c.;"  
 after debate, Amendt. withdrawn  
 Main Question put: A. 167, N. 35; M. 132;  
 Bill read 2<sup>o</sup>  
 Division List, Ayes and Noes, 718  
 Committee; Report, after short debate July 25,  
 1858  
 Moved, "That the Bill be read 3<sup>o</sup> upon Mon-  
 day next" (Mr. Gladstone), 1007  
 Amendt. to leave out "Monday next," and  
 insert "Friday" (Mr. Dickinson) v.; Ques-  
 tion, "That 'Monday,'" put, and agreed to;  
 main Question put, and agreed to  
 Read 3<sup>o</sup> \* July 28  
 l. Royal Assent August 5 [36 & 37 Vict. c. 61]

*Crown Salmon Fisheries (Scotland)*  
 Questions, Mr. Ellice; Answers, Mr. Baxter  
 June 20, [216] 1227; June 26, 1412

*CURRITT, Mr. G., Surrey, W.*  
 Elementary Education Act (1870) Amendment,  
 Consid. add. cl. [217] 958  
 Supply—Charity Commission, [215] 1013

*Currency—The Bank Act*  
 Moved, "That, in the opinion of this House,  
 the present system of Currency is dangerous  
 to the commerce of the Country, and that  
 some change is necessary to prevent such  
 extreme fluctuations in the discount rate as  
 have been frequent since the passing of the  
 Bank Act of 1844, and that an humble Ad-  
 dress be presented to Her Majesty, praying  
 that She will be pleased to issue a Royal  
 Commission to inquire into the means of  
 remedy for the evils complained of" (Mr.  
 Anderson) Mar 25, [215] 111

Amendt. to leave out from "That," and add  
 "a Select Committee be appointed to in-  
 quire into the operation of the Bank Act of  
 1844, and of the Bank Acts for Ireland and  
 Scotland of 1845" (Sir John Lubbock) v.,  
 135; Question proposed, "That the words,  
 &c.;" after debate, Amendt. and Motion  
 withdrawn

*Custody of Infants Bill*

(Mr. William Fowler, Colonel Loyd Lindsay,  
 Mr. Lopes, Mr. Mundella)

c. Ordered; read 1<sup>o</sup> Feb 17 [Bill 87]  
 Bill read 2<sup>o</sup>, after short debate Feb 24, [214]  
 884  
 Committee \*—H.P. Feb 28  
 Committee \*; Report Mar 4  
 Considered Mar 6, 1813  
 Read 3<sup>o</sup> \* Mar 7  
 l. Read 1<sup>o</sup> \* (Lord Chelmsford) Mar 10 (No. 38)  
 Bill read 2<sup>o</sup>, after debate Mar 24, [215] 4  
 Committee \* Mar 28 (No. 51)  
 Report \* Mar 31  
 Read 3<sup>o</sup> \* April 1  
 Royal Assent April 24 [36 Vict. c. 12]

*Customs*

*Customs Department* (Salaries), Question, Mr.  
 Trevelyan; Answer, Mr. Baxter May 13,  
 [215] 1788  
*Extra Treasury Clerks*, Question, Lord Elcho;  
 Answer, The Chancellor of the Exchequer  
 July 10, [217] 150  
*Out-Port Clerks*, Question, Viscount Sandon;  
 Answer, The Chancellor of the Exchequer  
 July 14, [217] 305; Postponement of Motion,  
 Viscount Sandon July 25, 1058

*Customs and Inland Revenue Bill*

(Mr. Bonham-Carter, Mr. Chancellor of the  
 Exchequer, Mr. Baxter)

e. Ordered; read 1<sup>o</sup> May 1 [Bill 144]  
 Read 2<sup>o</sup> \* May 5  
 Committee; Report May 8, [215] 1684  
 Read 3<sup>o</sup> \* May 9  
 l. Read 1<sup>o</sup> \* (Earl Granville) May 12 (No. 106)  
 Read 2<sup>o</sup> \*; Committee negative; read 3<sup>o</sup>  
 May 13  
 Royal Assent May 15 [36 Vict. c. 18]

*Customs Duties (Isle of Man) Bill*

(Mr. Bonham-Carter, Mr. Chancellor of the  
 Exchequer, Mr. Baxter)

c. Considered in Committee; Bill ordered;  
 read 1<sup>o</sup> \* May 5 [Bill 151]  
 Read 2<sup>o</sup> \* May 12  
 Committee \*; Report May 13  
 Read 3<sup>o</sup> \* May 14  
 l. Read 1<sup>o</sup> \* (Marquess of Lansdowne) May 15  
 Read 2<sup>o</sup> \* June 10 (No. 116)  
 Committee \*; Report June 12  
 Read 3<sup>o</sup> \* June 13  
 Royal Assent June 16 [36 Vict. c. 29]

*DALHOUSIE, Earl of*  
 Church of Scotland (Patronage), Res. [216]  
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*DALEYMPLE, Mr. C., Buteshire*  
 Church of Scotland (Patronage), Res. [216]  
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**DAVIES, Mr. R., Anglesey Co.**  
Endowed Schools Commissioners — David  
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**Defamation Bill**

(*Mr. Raikes, Mr. Cross, Mr. Whitbread*)  
c. Ordered; read 1<sup>o</sup> Feb 18 [Bill 70]  
2R. negatived\* April 1

**Defence Acts Amendment Bill**

(*Mr. Campbell-Bannerman, Mr. Secretary  
Cardwell, Sir Henry Storks*)  
c. Ordered; read 1<sup>o</sup> July 22 [Bill 355]  
Read 2<sup>o</sup> July 24  
Committee\*; Report July 25  
Read 3<sup>o</sup> July 28  
l. Read 1<sup>o</sup> (Marquess of Lansdowne) July 29  
Read 2<sup>o</sup> July 31 (No. 255)  
Committee\*; Report August 1  
Read 3<sup>o</sup> August 2  
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 (Mr. William Henry Gladstone, Mr. Baxter)  
 c. Ordered; read 1<sup>o</sup>\* Feb 14 [Bill 63]  
 Read 2<sup>o</sup>\* Feb 20  
 Committee\*; Report Feb 21  
 Read 3<sup>o</sup>\* Feb 24  
 l. Read 1<sup>o</sup>\* (The Marquess of Lansdowne) Feb 25  
 Read 2<sup>o</sup>\* Mar 6 (No. 25)  
 Committee\*; Report Mar 7  
 Read 3<sup>o</sup>\* Mar 10  
 Royal Assent Mar 20 [36 Vict. c. ii]
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 (Ireland) Provisional Orders (No. 2)  
 Bill (Mr. William Henry Gladstone,  
 Mr. Baxter)  
 c. Ordered; read 1<sup>o</sup>\* Feb 25 [Bill 82]  
 Read 2<sup>o</sup>\* Feb 28  
 Committee\*; Report Mar 10  
 Read 3<sup>o</sup>\* Mar 21  
 l. Read 1<sup>o</sup>\* (The Marquess of Lansdowne) Mar 24  
 Read 2<sup>o</sup>\* April 22 (No. 46)  
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 Read 3<sup>o</sup>\* April 25  
 Royal Assent May 18 [36 Vict. c. xv]

- Drainage and Improvement of Lands**  
 (Ireland) Provisional Order (No. 3)  
 Bill (Mr. William Henry Gladstone,  
 Mr. Baxter)  
 c. Ordered; read 1<sup>o</sup>\* June 5 [Bill 183]  
 Read 2<sup>o</sup>\* June 10  
 Committee\*; Report June 19  
 Read 3<sup>o</sup>\* June 20  
 l. Read 1<sup>o</sup>\* (Marquess of Lansdowne) June 23  
 Read 2<sup>o</sup>\* July 17 (No. 166)  
 Committee\*; Report July 18  
 Read 3<sup>o</sup>\* July 21  
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- DUFF, Mr. M. E. Grant—cont.  
 Central Asia, Motion for an Address, [215] 852  
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 Navy—Admiralty Administration, Res. [214] 953  
 Navy Estimates—Coast Guard Service, [216] 126  
 Dockyards, &c. [216] 140

- Duke of Edinburgh, H.R.H. The**  
 217] l. Message from the Queen—Delivered by The Earl Granville, and read by The Lord Chancellor July 28, 1068  
 Ordered, That the said Message be taken into consideration To-morrow  
 The Queen's Message considered July 29, 1159  
 Then, after short debate, an humble Address of thanks and concurrence ordered nemine dissentientis to be presented to Her Majesty thereupon: The said Address to be presented to Her Majesty by the Lords with white staves  
 c. Message from Her Majesty brought up, and read by Mr. Speaker July 28, 1098  
 Moved, "That this House will To-morrow, at Two of the clock, resolve itself into Committee to consider Her Majesty's Gracious Speech" (Mr. Bruce); after short debate, Motion agreed to

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*Duke of Edinburgh, H.R.H.—cont.*

Message from Her Majesty [28th July] considered in Committee July 29, [217] 1180  
(In the Committee)

Queen's Message read

Moved, (1.) "That the annual sum of Ten Thousand Pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, towards providing for the Establishment of His Royal Highness the Duke of Edinburgh and Her Imperial Highness the Grand Duchess Marie Alexandrovna of Russia, the said Annuity to be settled on His Royal Highness for his life, in such manner as Her Majesty shall think proper, and to commence from the day of the Marriage of their Royal Highnesses, such Annuity to be in addition to the Annuity now enjoyed by His Royal Highness under the Act of the twenty-ninth year of Her present Majesty"  
(2.) "That Her Majesty be enabled to secure to Her Imperial Highness the Grand Duchess Marie Alexandrovna, in case she shall survive His Royal Highness the Duke of Edinburgh, an annual sum not exceeding Six Thousand Pounds during her life, to support her Royal Dignity" (Mr. Gladstone); after short debate, Motion agreed to

*Duke of Edinburgh's Annuity Bill.*

(*Mr. Bonham-Carter, Mr. Gladstone, Mr. Chancellor of the Exchequer*)

217] c. Resolutions reported from the Committee on the Message from Her Majesty [28th July]; Resolutions agreed to; Bill ordered; read 1<sup>o</sup> July 30, 1257

Moved, "That the Bill be now read 2<sup>o</sup>" July 31, 1337

Amendt. to leave out "now," and add "upon this day month" (Mr. P. A. Taylor); after debate, Question put, "That 'now,' &c.;" A. 162, N. 18; M. 144

Division List, Nos. 1358

Main Question put, and agreed to; Bill read 2<sup>o</sup> Committee; Report August 1, 1440

Read 3<sup>o</sup> August 2

i. Read 1<sup>o</sup> (Earl Granville) August 3 (No. 273)  
Bill read 2<sup>o</sup>, after short debate; Committee negatived; Standing Orders Nos. 37. and 38. considered (according to Order) and dispensed with; Bill read 3<sup>o</sup> August 4, 1510

Royal Assent August 5 [36 & 37 Vict. c. 80]

*DUNSDAY, Lord*

Irish Militia, [217] 970, 971  
Juries (Ireland), 3R. Amendt. [216] 906  
Peace Preservation (Ireland) Acts Continuance, 2R. [216] 323  
Rock of Cashel, 2R. [216] 424

*DYNEVOR, Lord*

Agricultural Children, 2R. [216] 721  
Public Worship Facilities — Standing Order No. 34a, [216] 163; 2R. 1395  
Supreme Court of Judicature, 3R. [215] 1474

*East Africa—The Slave Trade*

Moved to resolve, That in the opinion of this House late proceedings and events in East Africa render it desirable that the consular authority of Great Britain in the Portuguese dominion from Cape Delgado to Delagoa Bay should now be re-established (*The Lord Campbell*) July 28, [217] 1068; after short debate, Motion withdrawn

*East India (Great Southern of India and Carnatic Railway Companies) Bill*  
(*Mr. Grant Duff, Mr. Ayrton*)

c. Ordered; read 1<sup>o</sup> July 23 [Bill 259]  
Bill withdrawn July 28

*East India House Museum*

Question, Mr. Reed; Answer, Mr. Grant Duff June 12, [216] 888

*East India Loan Bill*

(*Mr. Grant Duff, Mr. Ayrton*)

c. Ordered; read 1<sup>o</sup> Mar 24 [Bill 103]  
Read 2<sup>o</sup> Mar 31  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" April 3; Debate adjourned

Debate resumed April 28, [215] 1108

Amendt. to leave out from "That," and add "in the opinion of this House, it is inexpedient that a loan of a large amount should be raised upon the security of the revenues of India, when the measure which authorises the loan contains no statement of the purposes to which it is proposed to devote the money, and provides no security that a portion of the loan may not be employed as ordinary revenue, or may not be applied to objects different from those for which the loan was originally intended" (Mr. Fawcett) v.; Question proposed, "That the words, &c.; after short debate, Question put; A. 88, N. 46; M. 42; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee \*; Report May 8

Considered \* May 9

Read 2<sup>o</sup> May 12

i. Read 1<sup>o</sup> (Duke of Argyll) May 13 (No. 109)

Read 2<sup>o</sup> May 20

Committed \*; Report May 23

Read 3<sup>o</sup> May 26

Royal Assent June 16 [36 Vict. c. 32]

*East India (Railway Shares) Bill—see title Indian Railways Registration Bill*

*East India Stock Dividend Redemption Bill—formerly*

*East India Company's Stock (Redemption of Dividend) Bill*

(*Mr. Grant Duff, Mr. Ayrton*)

c. Ordered; read 1<sup>o</sup> Mar 26 [Bill 102]

Read 2<sup>o</sup> Mar 31

Committee \*; Report April 3

Considered \* April 7

Read 3<sup>o</sup> April 21

Question, Mr. Crawford; Answer, Mr. Grant Duff April 21, [215] 726

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*East India Stock Dividend Redemption Bill—cont.*

- i. Read 1<sup>st</sup> (Duke of Argyll) April 22 (No. 67)  
Read 2<sup>nd</sup> April 29, 1114.  
Committee<sup>\*</sup>; Report May 6  
Read 3<sup>rd</sup> May 8  
Royal Assent May 15 [36 Vict. c. 17]

*EASTWICK, Mr. E. B., Penryn, &c.*

- Board of Trade—Fog Signals, [214] 152  
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*EATON, Mr. H. W., Coventry*

France—Commercial Treaty, 1860, [215] 528

*Ecclesiastical Commissioners Bill [H.L.] (The Lord President)*

- i. Presented; read 1<sup>st</sup> June 20 (No. 170)  
Read 2<sup>nd</sup> June 27  
Committee<sup>\*</sup> July 7 (No. 200)  
Report<sup>\*</sup> July 8  
Read 3<sup>rd</sup> July 10  
Commons Amendts. (No. 241)  
c. Read 1<sup>st</sup> (Mr. Winterbotham) July 11  
Read 2<sup>nd</sup> July 15, [217] 424 [Bill 235]  
Committee<sup>\*</sup>; Report July 21  
Considered<sup>\*</sup> July 22  
Read 3<sup>rd</sup> July 24  
l. Royal Assent August 5 [36 & 37 Vict. c. 64]

*Ecclesiastical Commissioners (Salaries)*

Question, Mr. Monk; Answer, Mr. Gladstone May 1, [215] 1294  
*The Derwentwater Estates*, Question, Mr. T. E. Smith; Answer, Mr. Goschen July 10, [217] 145

*Edmunds, Leonard, Esquire—Petition of*  
Moved, "That the petition of Leonard Edmunds, esquire, presented on the 26th day of May last, be referred to the Comptroller and

*Edmunds, Leonard, Esquire—Petition of—cont.*

Auditor General, with directions to him to examine the several accounts mentioned therein, and any other accounts which may be submitted to him relating to the matters set forth in such petition, and to report thereon to the House" (*The Lord Redesdale*) June 18, [216] 963; after debate, on Question<sup>\*</sup> resolved in the negative

**EDUCATION**

*Compulsory Education—Prisons Act, 1865*, Question, Colonel Egerton Leigh; Answer, Mr. Bruce April 3, [215] 520

*Education Department—Advertisements*, Question, Mr. Bourke; Answer, Mr. W. E. Forster April 28, [215] 1027;—*The New Revised Code, 1873*, Questions, Mr. J. G. Talbot, Lord Edmond Fitzmaurice; Answers, Mr. W. E. Forster Mar 31, 348;—*Revised Code, 1873, Article 59—Teachers for Elementary Schools*, Question, Sir John Kennaway; Answer, Mr. W. E. Forster July 24, [217] 912

*Education of Blind and Deaf-Mute Children*, Question, Mr. Wheelhouse; Answer, Mr. W. E. Forster Feb 11, [214] 281

*Report of the Committee of Council*, Question, Sir Charles Adderley; Answer, Mr. W. E. Forster July 7, [216] 1863

*Education of Blind and Deaf-Mute Children Bill (Mr. Wheelhouse, Mr. Mellor)*

c. Ordered; read 1<sup>st</sup> Feb 12 [Bill 53]  
2R. negatived, after short debate June 10, [216] 795

*Education (Scotland) Act, 1872*

*Board of Education (Scotland)*, Question, Mr. Gordon; Answer, Mr. W. E. Forster May 2, [215] 1406

*School Boards—Inspectors of the Poor*, Question, Sir Robert Anstruther; Answer, Mr. Bruce May 19, [216] 98

Sec. 56—*Teachers*, Question, Mr. Gordon; Answer, Mr. W. E. Forster April 7, [215] 649

Sec. 57—*Examination of Teachers*, Question, Mr. Gordon; Answer, Mr. W. E. Forster April 1, [215] 401

*The Poor Law—Payment of School Fees*, Question, Mr. Miller; Answer, The Lord Advocate June 26, [216] 1412

*Elementary Education Act (1870)*

*Annuities to Certificated Teachers*, Question, Lord George Hamilton; Answer, Mr. W. E. Forster July 14, [217] 311

*Board Schools—The National Anthem*, Question, Mr. Hunt; Answer, Mr. W. E. Forster June 26, [216] 1413; Question, Lord Claud John Hamilton; Answer, Mr. W. E. Forster August 1, [217] 1437

*Cost per Head—Explanation*, Question, Sir Henry Wilmot; Explanation, Mr. W. E. Forster June 12, [216] 835

*English and Scotch Codes*, Question, The Marquess of Bristol; Answer, The Marquess of Ripon June 19, [216] 1158

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*London School Rate*, Question, Sir John Kenaway ; Answer, Mr. Stansfeld May 20, [216] 169  
*Music in Training Schools*, Question, Mr. Wingfield Baker ; Answer, Mr. W. E. Forster July 28, [217] 1086  
*New Code, 1873—The Music Fine*, Question, Mr. Brogden ; Answer, Mr. W. E. Forster July 29, [217] 1179  
*Night Schools*, Question, Mr. C. Dalrymple ; Answer, Mr. W. E. Forster June 12, [216] 836  
*Puddingham School Rates*, Question, Mr. Dixon ; Answer, Mr. Hibbert May 12, [215] 1782  
*School Accommodation*, Question, Mr. Salt ; Answer, Mr. W. E. Forster June 18, [216] 991 ; Questions, Mr. Scourfield ; Answer, Mr. W. E. Forster June 23, 1949  
*School Boards*, Question, Observations, Lord Buckhurst ; Replies, The Earl of Morley, Viscount Halifax June 18, [216] 987  
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*School Board, Holme St. Cuthbert's*, Question, Mr. F. S. Powell ; Answer, Mr. W. E. Forster July 31, [217] 1321  
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*Stourbridge School Board*, Question, Mr. C. Dalrymple ; Answer, Mr. W. E. Forster July 14, [217] 318

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**Elementary Education Act (1870)**

**Amendment, &c. Bill**

(*Mr. William Edward Forster, Mr. Secretary Bruce*)

216] c. Orders of the Day postponed June 12, 843.  
. Motion for Leave (*Mr. W. E. Forster*) June 12, 900; after short debate, Motion agreed to; Bill ordered; read 1<sup>o</sup>\* [Bill 188]  
. Notice of Amendment; Question, Mr. W. H. Smith; Answer, Mr. Dixon June 13, 908  
217] Moved, "That the Bill be now read 2<sup>o</sup>" July 17, 502  
Previous Question proposed, "That that Question be now put" (*Mr. Torrens*); after long debate, Question put; A. 343, N. 72; M. 271; main Question put, and agreed to; Bill read 2<sup>o</sup>; Committee; Report [Bill 245]  
Division List, Ayes and Noes, 587  
. Order for Committee (*on re-comm.*) read; Moved, "That Mr. Speaker do now leave the Chair" July 22, 753  
Amendt. to leave out from "That," and add "in the opinion of this House, no Amendment of the Education Act will be satisfactory which does not make the attendance of children at school and the formation of School Boards compulsory throughout England and Wales, and which fails to remove the objections entertained to the principles embodied in the twenty-fifth section of the Act" (*Mr. Dixon*) v.; Question proposed, "That the words, &c." after short debate, Question put; A. 129, N. 45; M. 84  
Division List, Ayes and Noes, 760  
Main Question, "That Mr. Speaker, &c." put, and agreed to; Committee—R.P.  
. Committee; Report July 22, 790  
. Considered July 24, 956  
. Bill read 3<sup>o</sup>, after debate July 25, 1007  
l. Read 1<sup>o</sup>\* (*Lord President*) July 25 (No. 243)  
. Bill read 2<sup>o</sup>, after short debate July 29, 1162  
. Committee July 31, 1308  
Report\*; read 3<sup>o</sup> August 1. (No. 265)  
Royal Assent August 5 [36 & 37 Vict. c. 86]

**Elementary Education Act (1870) Amendment (Application for School Board)**  
Bill (*Mr. Heygate, Mr. Akroyd, Mr. Francis S. Powell*)  
c. Ordered; read 1<sup>o</sup>\* July 7 [Bill 228]  
2R. [Dropped]

**Elementary Education Provisional Order Confirmation (No. 1) Bill**

(*Mr. William Edward Forster, Mr. Winterbotham*)

c. Ordered; read 1<sup>o</sup>\* Mar 21 [Bill 95]  
Read 2<sup>o</sup>\* Mar 24  
Committee\*; Report April 3  
Considered \* April 7  
Read 3<sup>o</sup>\* April 21  
l. Read 1<sup>o</sup>\* (*The Lord President*) April 22  
Read 2<sup>o</sup>\* May 1 (No. 68)  
Committee: referred to a Select Committee May 8, [215] 1867  
And, on May 18, the Lords following were named of the Committee:—D. Cleveland, E. Harrowby, E. Beauchamp, V. Eversley, L. Bp. Winchester, L. Keasten, and L. Lawrence  
Report of Select Comm.\* June 20 [No. 186]  
Bill reported\*, and committed June 20  
Committee, after short debate July 17, [217] 492 (No. 187)  
Report July 23, 742  
Read 3<sup>o</sup>\* July 24  
Royal Assent August 5 [36 & 37 Vict. c. ccxiv]

**Elementary Education Provisional Order Confirmation (No. 2) Bill**

(*Mr. William Edward Forster, Mr. Winterbotham*)

c. Ordered; read 1<sup>o</sup>\* Mar 21 [Bill 96]  
Read 2<sup>o</sup>\* Mar 24  
Committee\*; Report April 3  
Considered \* April 7  
Read 3<sup>o</sup>\* April 21  
l. Read 1<sup>o</sup>\* (*The Lord President*) April 22  
Read 2<sup>o</sup>\* May 1 (No. 69)  
Committee\*; Report May 8  
Read 3<sup>o</sup>\* May 9  
Royal Assent May 15 [36 Vict. c. xxii]

**Elementary Education Provisional Order Confirmation (No. 3) Bill** (*Mr. William Edward Forster, Mr. Secretary Bruce*)

c. Ordered \* April 1  
Read 1<sup>o</sup>\* April 2 [Bill 115]  
Read 2<sup>o</sup>\* April 13  
Committee\*; Report April 21  
Read 3<sup>o</sup>\* April 22  
l. Read 1<sup>o</sup>\* (*The Lord President*) April 24  
Read 2<sup>o</sup>\* May 2 (No. 78)  
Committee\*; Report May 8  
Read 3<sup>o</sup>\* May 9  
Royal Assent May 15 [36 Vict. c. xxiii]

**Elementary Education Provisional Order Confirmation (No. 4) Bill** [H.L.]

(*The Lord Privy Seal*)

l. Presented; read 1<sup>o</sup>\* June 10 (No. 181)  
Read 2<sup>o</sup>\* June 19  
Committee\*; Report June 20  
Read 3<sup>o</sup>\* June 23  
c. Read 1<sup>o</sup>\* (*Mr. W. E. Forster*) June 27  
Read 2<sup>o</sup>\* June 30 [Bill 208]  
Committee\*; Report July 9  
Read 3<sup>o</sup>\* July 10  
l. Royal Assent July 21 [36 & 37 Vict. c. cxxxvii]

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**Elementary Education Provisional Order**

- Confirmation (No. 5) Bill [H.L.]  
(*The Lord Privy Seal*)  
l. Presented; read 1<sup>st</sup> June 10 (No. 149)  
Read 2<sup>nd</sup> June 19  
Committee\*; Report June 20  
Read 3<sup>rd</sup> June 23  
c. Read 1<sup>st</sup> (Mr. W. E. Forster) June 27  
Read 2<sup>nd</sup> June 30 [Bill 209]  
Committee\*; Report July 9  
Read 3<sup>rd</sup> July 10  
l. Royal Assent July 21 [36 & 37 Vict. c. cxlviii]

**Elementary Education Provisional Order**

- Confirmation (No. 6) Bill [H.L.]  
(*The Lord Privy Seal*)  
l. Presented; read 1<sup>st</sup> June 10 (No. 152)  
Read 2<sup>nd</sup> June 19  
Committee\*; Report June 20  
Read 3<sup>rd</sup> June 23  
c. Read 1<sup>st</sup> (Mr. W. E. Forster) June 27  
Read 2<sup>nd</sup> June 30 [Bill 210]  
Committee\*; Report July 9  
Read 3<sup>rd</sup> July 10  
l. Royal Assent July 21 [36 & 37 Vict. c. cxxxix]

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**ELPHINSTONE, Sir J. D. H., Portsmouth**

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**Emigration to Brazil — Warwickshire Labourers**

Address for, Copy of letter addressed by the Vicar of Napton to the Secretary of State for Foreign Affairs, describing the condition of certain Warwickshire Labourers who were emigrated to Cananea in Brazil (*The Earl of Carnarvon*) Feb 17, [214] 532; after short debate, Motion withdrawn

**Endowed Schools Act (1869)**

Question, Sir Michael Hicks-Beach; Answer, Mr. W. E. Forster Feb 7, [214] 154  
After short debate, Select Committee appointed, "to inquire into the operation of 'The Endowed Schools Act, 1869'" (Mr. W. E. Forster) Feb 11, 289  
And, on Feb 14, Committee nominated as follows:—Mr. William Edward Forster (Chairman), Sir Thomas Acland, Sir Michael Hicks-Beach, Mr. Collins, Mr. Hardcastle, Mr. Hardy, Mr. Heygate, Mr. Illingworth, Mr. Andrew Johnston, Mr. Kay-Shuttleworth, Mr. Alderman Lawrence, Mr. Leatham, Mr. Neville-Grenville, Sir John Pakington, Dr. Lyon Playfair, Mr. Powell, Mr. John Talbot, Mr. Trevelyan, and Mr. Welby  
Report of Select Committee June 17  
(*Parl. P. No. 264*)

**Endowed Schools Act (1869) Amendment**

Bill (Mr. William Edward Forster, Mr. Secretary Bruce)

- c. Ordered; read 1<sup>st</sup> June 26 [Bill 297]  
217] Moved, "That the Bill be now read 2<sup>nd</sup>" July 21, 718  
Amendt. to leave out "now," and add "upon this day three months" (Mr. Dilke); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 84, N. 70; M. 14  
Main Question put, and agreed to; Bill read 2<sup>nd</sup>  
. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 24, 921  
Amendt. to leave out from "That," and add "This House will, upon this day three months, resolve itself into the said Committee" (Mr. Newdegate) v.; Question, "That the words, &c.," put, and agreed to Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report Considered July 25, 1065  
Read 3<sup>rd</sup> July 28  
l. Read 1<sup>st</sup> (Lord President) July 29 (No. 253)  
. Read 2<sup>nd</sup>, after short debate July 31, 1309  
. Committee August 1, 1418; Amendts. made  
. Report August 2, 1472  
Further Amendts. made: The Queen's Consent Signified; the Standing Orders Nos. 37. and 38. considered (according to Order) and dispensed with; Bill read 3<sup>rd</sup>, with the Amendts. August 2  
Royal Assent August 5 [36 & 37 Vict. c. 87]

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**Endowed Schools Address Bill**

(*Mr. William Edward Forster, Mr.  
Winterbotham*)

- c. Ordered; read 1<sup>o</sup> Mar 21 [Bill 94]  
Read 2<sup>o</sup> Mar 24  
Committee—R.P. Mar 26  
Committee; Report Mar 27  
Read 3<sup>o</sup> Mar 28  
l. Read 4<sup>o</sup> (*Lord President*) Mar 31 (No. 54)  
Read 2<sup>o</sup>; Committee negatived April 1  
Read 3<sup>o</sup> April 3  
Royal Assent April 4 [36 Vict. c. 7]

**Endowed Schools Commissioners Schemes**

*David Hughes's Charity, Bemmaris*, Question,  
Mr. Davies; Answer, Mr. W. E. Forster  
June 9, [216] 635

*Expiry of 40 days*, Questions, Observations,  
The Marquess of Salisbury, Lord Redesdale;  
Reply, The Marquess of Ripon Feb 13, [214]  
366

*Sir John Port's Foundation, Repton and Etwall*,  
Question, Mr. R. Smith; Answer, Mr. W. E.  
Forster July 14, [217] 318

**Barking Charity Schools Scheme**

Moved, "That an humble Address be presented  
to Her Majesty, praying that She will be  
graciously pleased to withhold Her assent  
to the scheme of the Endowed Schools Com-  
missioners for the management of the Barking  
Charity Schools" (*Mr. Corrane*) May 18,  
[215] 1960; after short debate, Motion  
withdrawn

**Denbigh Free Grammar School**

Moved, "That an humble Address be pre-  
sented to Her Majesty, praying Her Ma-  
jesty to refuse her assent to the schemes  
of the Endowed Schools Commissioners  
for the management of the Free Gram-  
mar School and of the Blue Coat School  
Charity at Denbigh in the county of Denbigh,  
North Wales" (*The Lord Bishop of Bangor*)  
July 18, [217] 593; after short debate, on  
Question? Cont. 68, Not-Cont. 46; M. 23;  
resolved in the affirmative

Her Majesty's Answer to the Address re-  
ported July 22, 738

Explanation, The Marquess of Ripon July 28,  
1867

**Emanuel Hospital Scheme**

Moved, "That an humble Address be presented  
to Her Majesty, praying Her Majesty that She  
will be graciously pleased to withhold Her  
assent from the scheme of the Endowed  
Schools Commissioners for the management  
of Emanuel Hospital, in the parish of St.  
Margaret, in the city of Westminster"  
(*Mr. Crawford*) May 18, [215] 1875; after  
long debate, Question put; A. 238, N. 286;  
M. 48

Division List, Ayes and Noes, 1986

**Grey Coat Hospital, Westminster**

Address to Her Majesty, praying that She will  
be graciously pleased to suspend the ap-  
probation of the Scheme of the Endowed School  
Commissioners for the management of Grey  
Coat Hospital in the city of Westminster,

**Endowed Schools Commissioners Schemes—Grey  
Coat Hospital, Westminster—cont.**

until the Schemes now under consideration  
for the management of the other Hospitals  
in Westminster are presented for Her Ma-  
jesty's approval" (*Mr. W. H. Smith*) Feb 7,  
[214] 178; after short debate, Question put;  
A. 22, N. 64; M. 42

**Heath Free Grammar School**

Moved, "That an humble Address be presented to  
Her Majesty, praying Her Majesty to refuse her  
assent to the scheme of the Endowed Schools  
Commissioners for the management of the  
Free Grammar School of Queen Elizabeth  
at Heath in the borough of Halifax in the  
county of York" (*The Marquess of Salis-  
bury*) July 18, [217] 597; after short debate,  
on Question? resolved in the negative

**King Edward VI.'s Grammar School Birmingham**

- 216] Moved, "That an humble Address be presented  
to Her Majesty, praying that Her Majesty  
will withhold her assent from the scheme  
of the Endowed Schools Commissioners re-  
lating to the Free Grammar School of King  
Edward VI. in Birmingham" (*The Marquess  
of Salisbury*) May 19, 74  
Amendt. moved, after ("from") to insert ("so  
much of") (*The Earl of Ducie*); after  
debate, on Question; Cont. 60, Not-Cont.  
106; M. 46; resolved in the negative;  
then original Motion for said Address  
agreed to  
Division List, Cont. and Not-Cont. 95  
Her Majesty's Answer to the Address reported  
May 26, 414

**ENFIELD, Viscount (Under Secretary of  
State for Foreign Affairs), Middlesex**

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[215] 1483

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owners, [216] 356, 434

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Agnew, Captain Charles, Assassination of, [215] 1683

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**Entailed and Settled Estates (Scotland)**

Bill (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)

c. Ordered ; read 1<sup>o</sup> \* April 7 [Bill 180]  
Bill read 2<sup>o</sup>, after short debate May 5, [215] 1541

Order for Committee read ; Moved, “That Mr. Speaker do now leave the Chair” July 4, [216] 1831 ; after short debate, Moved, “That the Debate be now adjourned” (*Sir John Hay*) ; Question put : A. 20, N. 65 ; M. 45

Question again proposed, “That Mr. Speaker, &c.” Moved, “That this House do now adjourn” (*Mr. James Lowther*) ; Motion withdrawn

Original Question put, and agreed to ; Committee—R.P.

Bill withdrawn \* July 28

**Epping Drainage**

Moved, “That it is inexpedient that any such further rate should be raised in the present unsatisfactory state of the works, and whilst the uncertainty still exists of obtaining a sufficient water supply to justify their expenditure of such a large sum of money” (*Sir Henry Selwin-Ibbetson*) July 1, [216] 1643  
[House counted out]

**Epping Forest—Expenditure and Charges**

Question, Mr. R. N. Fowler ; Answer, Mr. Ayrton July 31, [217] 1333

**Epping Forest Bill**

(*Mr. Ayrton, Mr. Baxter*)

c. Ordered ; read 1<sup>o</sup> \* Feb 10 [Bill 39]  
Read 2<sup>o</sup> Feb 17, [214] 565

Committee \* ; Report Feb 18

Read 3<sup>o</sup> \* Feb 19

d. Read 1<sup>o</sup> \* (Duke of St. Albans) Feb 20 (No. 19)  
Bill read 2<sup>o</sup>, after short debate Mar 3, 1178

Order for Committee discharged \* Mar 4

Bill reported, and committed \* Mar 6

Committee \* ; Report Mar 25

Read 3<sup>o</sup> \* Mar 27

Royal Assent Mar 29 [36 Vict. c. 5]

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- University Education (Ireland), 2R. Amendt. [214] 1688
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- Elementary Education Provisional Order Confirmation (No. 1), Report, cl. 1, [217] 750

**EWING**, Mr. A. Orr, Dumbarton

- Church of Scotland (Patronage), Res. [216] 1102
- Conveyancing (Scotland), 2R. [215] 964
- Hypothen Abolition (Scotland), 2R. [216] 1365
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- Law Agents (Scotland), Comm. cl. 2, [216] 544; cl. 8, 616
- Poor Law (Scotland), 2R. [214] 996, 997
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**EWING**, Mr. H. E. CRUM, Paisley

- Customs Outport Clerks, Res. Report, [217] 1243
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**Exchequer Bonds (£1,600,000) Bill**

(*Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter*)

- c. Ordered \* May 1
- Read 1<sup>o</sup> \* July 9 [Bill 230]
- Read 2<sup>o</sup> \* July 14
- Committee \*; Report July 15
- Read 3<sup>o</sup> \* July 16
- l. Read 1<sup>o</sup> \* (Earl Granville) July 17 (No. 222)
- Read 2<sup>o</sup> \* July 18
- Committee \*; Report July 24
- Read 3<sup>o</sup> \* July 25
- Royal Assent July 28 [36 & 37 Vict. c. 54]

**EXETER**, Marquess of

- Army—Militia Reserve—Annual Bounty, [216] 986

**Expiring Laws Continuance Bill**

- (*Mr. Baxter, Mr. William Henry Gladstone*)
- c. Ordered; read 1<sup>o</sup> \* July 24 [Bill 261]
- Read 2<sup>o</sup> \* July 25
- Order for Committee read; Moved, “ That Mr. Speaker do now leave the Chair ” July 29, [217] 1249
- Amendt. to leave out from “ That,” and add “ this House will, upon this day month, resolve itself into the said Committee ” (*Mr. Butt*) v.; after short debate, Amendt. withdrawn; Question, “ That the words, &c.,” put, and agreed to
- Main Question, “ That Mr. Speaker, &c.,” put, and agreed to; Committee; Report Considered \*; read 3<sup>o</sup> July 30

- l. Read 1<sup>o</sup> \* (Earl of Morley) July 31 (No. 258)
- Bill read 2<sup>o</sup>; after short debate August 1, 1426; Committee negatived
- Read 3<sup>o</sup> \* August 2
- Royal Assent August 5 [36 & 37 Vict. c. 75]

**Extradition Act 1870) Amendment Bill**

- (*Mr. Attorney General, Mr. Solicitor General*)
- c. Ordered; read 1<sup>o</sup> \* July 3 [Bill 220]
- Read 2<sup>o</sup> \* July 17
- Committee \*; Report July 21
- Considered \* July 22
- Read 3<sup>o</sup> \* July 23
- l. Read 1<sup>o</sup> \* (The Lord Chancellor) July 24
- Read 2<sup>o</sup> \* July 25 (No. 235)
- Committee \*; Report July 28
- Read 3<sup>o</sup> \* July 29
- Royal Assent August 5 [36 & 37 Vict. c. 80]

**EYKYN**, Mr. R., Windsor

- Army Estimates—Land Forces, [214] 882
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**Factory Acts Amendment Bill**

- (*Mr. Mundella, Mr. Morley, Mr. Shaw, Mr. Philips, Mr. Cobbett, Mr. Anderson*)
- c. Motion for Leave (*Mr. Mundella*) Feb 11, [214] 283; Bill ordered; read 1<sup>o</sup> \* [Bill 47]
- Moved, “ That the Bill be now read 2<sup>o</sup> June 11, [216] 819; after short debate, Debate adjourned
- Debate resumed July 30, [217] 1287
- Amendt. to leave out from “ That,” and add “ in the opinion of this House, it is undesirable to sanction a measure which would discourage the employment of women, by subjecting their labour to a new legislative restriction to which it is not proposed to subject the labour of men ” (*Mr. Fawcett*)

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*Factory Acts Amendment Bill*—cont.

v.; Question proposed, "That the words, &c.," after debate, Debate adjourned  
Debate resumed August 4, 1844; after short debate, Question put, and agreed to; main Question withdrawn; Bill withdrawn

FAWCETT, Mr. H.—cont.

University Tests (Dublin) (No. 8), Res. Motion for Adjournment, [215] 505; 2R. 727; Comm. 1530; cl. 2, 1532; cl. 3, 1535  
Ways and Means (Financial Statement), Comm. [215] 696; Report, 1088  
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*Factory Acts Consolidation*

Question, Mr. F. S. Powell; Answer, Mr. Bruce Feb 25, [214] 894  
*Enforcement of the Acts*, Question, Mr. C. Dalrymple; Answer, Mr. Bruce Feb 14, [214] 437

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Fairs, 2R. [216] 158  
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**Fairs Act (1868) Amendment Bill**—*Afterwards Fairs Bill*  
(*Mr. Dodds, Mr. Pease, Mr. Clare Read, Mr. Millbank*)

- c. Ordered \* April 1
- Read 1° \* April 3 [Bill 125]
- Read 2° \* April 21
- Committee \*; Report April 24
- Re-comm. \*; Report May 1 [Bill 186]
- Considered \* May 5
- Read 3° \* May 7
- l. Read 1° (*Earl of Feversham*) May 8 (No. 97)
- Bill read 2°, after debate May 20, [216] 158
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- Royal Assent July 7 [36 & 37 Vict. c. 37]

FIELDEN, Mr. J., *Yorkshire, W.R., E. Div.*

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East India (Financial Statement), Res. [215] 402, 419

*Fiji Islands, The*

Question, Sir Charles Wingfield; Answer, Mr. Knatchbull-Hugessen Feb 17, [214] 544; Question, Admiral Erskine; Answer, Viscount Enfield May 6, [215] 1860  
*Consul March*, Question, Mr. Dixon; Answer, Viscount Enfield Mar 31, [215] 347  
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*Fiji Islands—The Protectorate*

Amendt. on Committee of Supply June 13, To leave out from "That," and add "as the Chiefs of Fiji and the white residents therein have signified their desire that Great Britain should assume the protectorate or sovereignty of those Islands, it is desirable that Her Majesty's Government, in order to put an end to the condition of things now existing in the Group, should take steps to carry into effect one or other of those measures" (*Mr. M'Arthur*) v., [216] 934; Question proposed, "That the words, &c." after debate, Question put; A. 86, N. 50; M. 36

*Finnie, Mr. W., Ayrshire, N. Colliery Managers*, [214] 377

*Fires Bill*

(*Mr. McLagan, Mr. Charles Turner, Mr. Agar-Ellis*)

- c. Ordered; read 1° \* Feb 7 [Bill 31]
- Read 2° \* Mar 3
- Bill withdrawn \* June 26

*Fisher Lads—Great Grimsby*

Question, Mr. Seely; Answer, Mr. Bruce Mar 6, [214] 1390

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**Fisheries (Ireland) Bill**

(*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>st</sup> June 5 [Bill 181]  
 Bill withdrawn \* July 7

**Fishery Board (Scotland)—Branding Fees**  
 Question, Mr. Macfie; Answer, Mr. Baxter  
 July 81, [217] 1327

**Fishery Inspectors (Ireland) Bill**

(*Mr. Butt, Mr. Callan*)

c. Ordered; read 1<sup>st</sup> April 29 [Bill 186]  
 Read 2<sup>nd</sup> April 25  
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**FITZGERALD, Right Hon. Lord Otho (Comptroller of the Household), Kildare Co.**

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**FORDYCE, Mr. W. D., Aberdeenshire, E.**  
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Address for, Return of any correspondence that may have passed between the Foreign Office and the Government of France with regard to decorations that might be offered for British subjects engaged or employed in the International Exhibition of Paris (*Lord Houghton*) Feb 21, [214] 773; after short debate, Motion withdrawn

**Foreshore—Encroachments at Truro**

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(*The Marquess of Hartington, Mr. Secretary Bruce*)

- c. Ordered; read 1<sup>o</sup> July 25 [Bill 285]
- Read 2<sup>o</sup> July 28
- Committee <sup>o</sup> R.P. July 29
- Committee <sup>o</sup> S.P. July 31
- Committee August 2, [217] 1509
- Moved, "That the Chairman do now leave the Chair" (*The Marquess of Hartington*); Motion agreed to [No Report]

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- Ways and Means (Financial Statement), Comm. [215] 677 ; Report, 915

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- Army Estimates—Land Forces, [214] 882 ; Amendt. 1075
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- Ways and Means (Financial Statement), Comm. [215] 688 ; Report, 917

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- Commercial Treaty with Ava, Question, Mr. Macfie ; Answer, Viscount Enfield July 28, [217] 1087
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*The Commercial Treaty*, 1860

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*Correspondence*, Question, Mr. Brocklehurst; Answer, Viscount Enfield July 7, [216] 1863

*The "surface de pavillon."* Question, Mr. Raikes; Answer, Viscount Enfield April 6, [215] 521

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*Export Duty on Coal*, Question, Lord John Manners; Answer, Viscount Enfield July 10, [217] 143

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*Signature of the New Treaty*, Question, Mr. Whitwell; Answer, Viscount Enfield July 24, [217] 919

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*France and Belgium—Examination of Travellers' Luggage*

Question, Mr. Muntz; Answer, Viscount Enfield June 20, [216] 1280

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*Valuation Department (Ireland)*, Rss. [215] 425

*Fulford Chapel Marriages Legalization Bill* [H.L.] (*The Lord Bishop of Chichester*)

1. Presented; read 1<sup>o</sup> April 29 (No. 83)

Read 2<sup>o</sup> May 2

Committee\*; Report May 6

Read 3<sup>o</sup> May 8

c. Read 1<sup>o</sup> May 9 [Bill 160]

Read 2<sup>o</sup> May 12

Committee\*; Report May 13

Read 3<sup>o</sup> May 14

l. Royal Assent May 26 [36 Vict. c. 20]

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\*Marriage with a Deceased Wife's Sister, 2R. [214] 1874

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[216] 981, 1018, 1027, 1030; cl. 16, 1427

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*Galway Election Trials, Dublin*, Question, Mr. O'Connor; Answer, Mr. Cardwell Feb 11, [214] 281

*As to further Proceedings*, Question, Mr. Mitchell Henry; Answer, The Marquess of Hartington Feb 25, [214] 898

*Bishop Duggan, &c.*, Question, Mr. Mitchell Henry; Answer, The Attorney General Feb 21, [214] 788

*Prosecutions Expenses*, Question, Colonel French; Answer, The Marquess of Hartington Feb 21, [214] 787

*The Attorney General for Ireland*, Question, Colonel Stuart Knox; Answer, Mr. Gladstone Feb 27, [214] 1040

*Game Birds (Ireland) Bill* [H.L.]

(*The Viscount Powerscourt*)

1. Presented; read 1<sup>o</sup> June 9 (No. 127)

Bill read 2<sup>o</sup> June 12, [216] 829

Committee\*; Report June 13

Read 3<sup>o</sup> June 16

c. Read 1<sup>o</sup> (Viscount Crichton) June 17 [Bill 196]  
2R. [Dropped]

*Game, &c.*

Ordered, That there be laid before the House, Return of the numbers of Game, Wild Fowl,

and Hares and Rabbits sold by the Licensed Game Dealers in England, Wales, and Scotland during the year 1872 (*Earl of Malmesbury*) Mar 4, [214] 1278—(Parl. P. No. 104)

*Game Laws*

Select Committee appointed and nominated

Feb 12, as follows:—Mr. Ward Hunt (Chairman), Sir Michael Hicks-Beach, Mr. Cameron,

Mr. Cooper, Mr. Deat, Lord Echo, Sir George Grey, Mr. Hardcastle, Mr. M'Combie,

Mr. McLagan, Viscount Mahon, Mr. Muntz,

Mr. Pell, Mr. Clare Read, Sir Henry Selwin-

Ibbetson, Mr. Sherlock, Mr. Sturt, Sir John

Trelawny, Mr. Whitbread, Mr. Rowland

Winn, and Mr. Winterbotham

Report of Select Comm. July 8 . . . No. 285

*Gas and Water Provisional Orders Bill*

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Ordered; read 1<sup>o</sup> April 3 [Bill 126]

Read 2<sup>o</sup> April 7

Committee\*; Report April 24

Considered\* April 28

Read 3<sup>o</sup> April 29

l. Read 1<sup>o</sup> (Marquess of Lansdowne) May 1

Read 2<sup>o</sup> May 12 (No. 87)

Committee\*; Report May 13

Read 3<sup>o</sup> May 15

Royal Assent May 26 [36 Vict. c. xliii]

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**Gas and Water Provisional Orders Confirmation (No. 2) Bill**

- (*Mr. Arthur Peel, Mr. Chichester Fortescue*)  
 c. Ordered; read 1<sup>o</sup> \* May 5 [Bill 149]  
 Read 2<sup>o</sup> \* May 8  
 Committee; Report May 19  
 Considered \* May 21  
 Read 3<sup>o</sup> \* May 22  
 l. Read 1<sup>o</sup> \* (*Earl Couper*) May 23 (No. 125)  
 Read 2<sup>o</sup> \* June 9  
 Committee; Report June 10  
 Read 3<sup>o</sup> \* June 12  
 Royal Assent July 7 [36 & 37 Vict. c. 81]

**Gas and Water Works Facilities Act (1870) Amendment Bill [H.L.]**  
 (*The Earl Couper*)

- l. Presented; read 1<sup>o</sup> \* July 8 (No. 201)  
 Bill read 2<sup>o</sup>, after short debate July 11, [217] 205  
 Committee; Report July 15, 389  
 Read 3<sup>o</sup> July 18, 602  
 c. Read 1<sup>o</sup> \* July 21 [Bill 252]  
 Read 2<sup>o</sup> \* July 25  
 Committee; Report July 29  
 Considered \*; read 3<sup>o</sup> August 1  
 l. Royal Assent August 5 [36 & 37 Vict. c. 89]

**Gas Companies—Increased Price of Gas**  
 Question, Sir Charles W. Dilke; Answer, Mr. Chichester Fortescue May 22, [216] 269

**Gas Companies Bills—Price of Coal and Gas**

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**GAVIN, Major G., Limerick**

Agnew, Captain Charles, Assassination of, [215] 1883  
 Army—9th Lancers—Case of the late Sub-lieutenant Tribe, [214] 506

**General Police and Improvement (Scotland) Acts Amendment Bill**

- (*Sir Edward Colebrooke, Mr. Orr Ewing*)  
 c. Ordered; read 1<sup>o</sup> \* June 23 [Bill 200]  
 Read 2<sup>o</sup> \* July 9  
 Bill withdrawn \* July 23

**General Register and Record Office of Shipping and Seamen—Third Class Clerks**

Question, Lord George Hamilton; Answer, Mr. Chichester Fortescue July 14, [217] 308

**General Valuation (Ireland) Bill**

- (*Mr. Baxter, The Marquess of Hartington*)  
 c. Motion for Leave (*Mr. Baxter*) Feb 17, [214] 579; Bill ordered, after short debate; read 1<sup>o</sup> \* [Bill 64]  
 Moved, "That the Bill be now read 2<sup>o</sup>" May 5, [215] 1535

**General Valuation (Ireland) Bill—cont.**

- Amendt. to leave out "now," and add "upon this day six months" (*The O'Conor Don*); after short debate, Question put, "That now &c." A. 198, N. 45; M. 153; main Question put, and agreed to; Bill read 2<sup>o</sup>  
 Order for Committee read; Moved, "That this House will To-morrow, at Two of the clock, resolve itself into the said Committee" (*Mr. Gladstone*) June 28, [216] 1306  
 Amendt. to leave out "To-morrow, at Two of the clock," and insert "upon Thursday" (*Sir Colman O'Loghlen*) v.; Question put, "That To-morrow, at Two of the Clock, &c." A. 47, N. 25; M. 22  
 Main Question put, and agreed to  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Baxter*) June 24, 1830  
 Amendt. to leave out from "That," and add "the Bill be referred to a Select Committee" (*Mr. Kavanagh*); Question proposed, "That the words, &c." after debate, Debate adjourned  
 Bill withdrawn \* June 30

**GILPIN, Colonel R. T., Bedfordshire Agricultural Labourers Meeting at Leighton Buzzard—Alleged Disturbance, [217] 1089**  
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**GILPIN, Mr. C., Northampton Bo.**

- East India Revenue Accounts, Comm. [217] 1508  
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  - Central Asia, Motion for an Address, [215] 874
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  - Church of Scotland (Patronage), Res. [216] 1103
  - Civil Service Writers, Case of the, [216] 843  
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  - Clerical Magistrates, [216] 550
  - Coal—Economy of Fuel, [214] 1031  
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  - Colonies, Defence of the, Res. [214] 1532
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  - Criminal Law—Tichborne Case, [216] 962, 1064
  - Crown Private Estates, 2R. [217] 893, 703 ; Comm. cl. 1, 1001 ; add. cl. 1004
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  - Duke of Edinburgh’s Annuity, 2R. [217] 1352 ; Comm. cl. 1, 1441, 1445, 1448 ; cl. 2, 1447, 1449
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  - East India Finance Committee—Second Report, [215] 1874, 1875
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  - Endowed Schools Commissioners—Emanuel Hospital Scheme, Motion for a Committee, [215] 1893
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- c. Ordered; read 1<sup>st</sup> May 21 [Bill 170]
- Read 2<sup>nd</sup> May 26
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- Read 3<sup>rd</sup> June 12
- l. Read 1<sup>st</sup> (Earl of Bassborough) June 13
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Moved, "That a Select Committee be appointed to inquire into the condition of this country with regard to horses, and its capabilities of supplying any present or future demand for them" (*Lord Rosebery*) Feb 21; Motion agreed to

And, on Feb 24, the Lords following were named of the Committee:—D. Cambridge, Lt. Privy Seal, D. Richmond, M. Lansdowne, M. Ailesbury, E. Portsmouth, E. Malmesbury, E. Lucan, E. Grey, V. Falmouth, Lt. Steward, L. Tyrone, L. Redesdale, L. Rosebery, L. Kesteven, and L. Blachford; Feb 25, His Royal Highness the Prince of Wales added; Feb 27, L. Strathnairn added in the place of E. Lucan

Report of Select Committee Feb 28  
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Regulation of Railways (Prevention of Accidents), 2R. [214] 588

Household Franchise (Counties) Bill  
(*Mr. Trevelyan, Sir John Trelawny, Sir Robert Anstruther, Mr. Osborne Morgan, Mr. Andrew Johnston*)

c. Ordered; read 1<sup>o</sup> \* Feb 7 [Bill 3]  
217] Moved, "That the Bill be now read 2<sup>o</sup>" July 23, 806  
. Previous Question moved, "That that Question be now put" (*Mr. Collins*), 823; after long debate, Debate adjourned  
. Question, Mr. C. Forster; Answer, Mr. Trevelyan July 24, 919  
Bill withdrawn \* July 24

Household Suffrage Counties (Scotland) Bill  
(*Mr. Trevelyan, Sir Robert Anstruther, Sir David Wedderburn*)

c. Ordered; read 1<sup>o</sup> \* Feb 11 [Bill 50]  
Bill withdrawn \* July 24

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 [217] Consid. 412, 413, 417, 421; Amendt. 422, 423  
     Register for Parliamentary and Municipal Electors, 2R. [214] 1951, 1952; Comm. [215] 292; Re-comm. 717, 719; cl. 3, 794; cl. 9, Motion for reporting Progress, 962  
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- Hunt, Right Hon. G. W.—*cont.*  
 Valuation Department (Ireland), Res. [215] 427, 428  
 Ways and Means—Financial Statement, Comm. [215] 670, 713, 921, 1810  
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- HUNTLY, Marquess of**  
 Church of Scotland—Patronage, Res. [216] 1048  
 Railway and Canal Traffic, Report, cl. 26, Amendt. [216] 9
- Hypothec Abolition (Scotland) Bill**  
 (Sir David Wedderburn, Mr. Carter, Mr. Fordyce, Mr. Craufurd)
- o. Ordered; read 1<sup>o</sup> Feb 7 [Bill 21]  
 Moved, "That the Bill be now read 2<sup>o</sup>" June 25, [216] 1340  
 Amendt. to leave out "now," and add "upon this day three months" (Sir Edward Colebrooke); Question proposed, "That 'now,' &c." after long debate, Question put; A. 83, N. 147; M. 64  
 Words added; main Question, as amended, put, and agreed to; Bill put off for three months
- ILLINGWORTH, Mr. A., *Knaresborough***  
 Endowed Schools Act (1869) Amendment, 2R. [217] 733; Comm. cl. 5, 940; cl. 8, 945  
 Occasional Sermons, 2R. [215] 1979  
 Supply—Dover Harbour, [217] 1284  
     Embassy Houses at Vienna and Washington, [217] 1181
- Imprisonment for Debt**  
 Select Committee appointed, "to inquire into the subject of Imprisonment for Debt by County Court Judges" (Mr. Bass) Feb 7 And, on Feb 14, Committee nominated as follows:—Mr. Spencer Walpole (Chairman), Mr. Anderson, Mr. Ayton, Mr. Baines, Mr. Bass, Mr. Cawley, Mr. Chadwick, Mr. Cobbett, Mr. Cross, Mr. Fielden, Mr. Robert Fowler, Mr. James, Mr. Lopes, Mr. M'Mahon, Mr. Norwood, Mr. Salt, Mr. Richard Shaw, Mr. Stapleton, and Mr. Torr  
 Report of Select Committee July 24 No. 348
- Improvement of Land—Limited Owners**  
 Moved, "That a Select Committee be appointed to inquire into the facilities afforded by the existing law to limited owners of land for the investment of capital in the improvement of such land, and to report whether any alteration of the law is requisite in order further to encourage such investment" (The Marquess of Salisbury) April 3, [215] 506; after short debate, Motion agreed to; Select Committee appointed  
 And, on April 4, the Lords following were named of the Committee:—D. Richmond, D. Bedford, D. Cleveland, M. Salisbury, M. Bath, E. Derby, E. Airlie, E. Grey, E. Kimberley, L. Dinevor, L. Vernon, L. Meldrum, L. Colchester, L. Stanley of Alderley, L. Egerton, L. Houghton, L. Kesteven, L. Ettrick, and L. Hanmer  
 Report of Select Comm. July 18 No. 81

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**INCHIQUIN, Lord**

Peace Preservation (Ireland) Acts Continuance,  
2R. [216] 340  
Scottish and Irish Peerages, Motion for an  
Address, [216] 1779

**Income Tax**

Notice of Motion, "That a Select Committee  
be appointed to inquire into the incidence,  
management, and collection of the Income  
Tax; with power to report on the amend-  
ments required, or the advisability of repeal-  
ing the Tax" (*Mr. Chaturuk*) Mar 25, [215]  
157; [House counted out]

**Income Tax Assessment Bill**

(*Mr. Baxter, Mr. William Henry Gladstone*)  
e. Ordered; read 1<sup>o</sup> Mar 21 [Bill 98]  
Read 2<sup>o</sup> Mar 27  
Committee; Report Mar 28  
Read 3<sup>o</sup> Mar 31  
l. Read 1<sup>o</sup> (*Marquess of Lansdowne*) April 1  
Read 2<sup>o</sup>; Committee negatived; read 3<sup>o</sup>  
April 3 (No. 55)  
Royal Assent April 4 [36 Vict. c. 8]

**INDIA**

**Army**

Banda and Kirwee Prize Money, Question,  
Mr. T. Hughes; Answer, Mr. Grant Duff  
[215] Mar 25, 99; Question, Lord Eleho; An-  
swer, Mr. Grant Duff Mar 27, 222; Ques-  
tion, Colonel North; Answer, Mr. Grant

Duff April 7, 646; Question, Mr. W. M.  
Torrens; Answer, Mr. Grant Duff May 5,  
1485; Question, Colonel Barttelot; Answer,  
[216] Mr. Grant Duff May 22, 273; Questions,

Lord Cairns; Observations, The Earl of  
Longford; Reply, Viscount Halifax June 12,  
332; Question, The Earl of Derby; Answer,  
The Duke of Argyll; short debate thereon  
July 3, 1702

Claims of Indian Officers—The Bonus Fund,  
Question, Sir Charles Wingfield; Answer,  
Mr. Cardwell Feb 17, [214] 543

Indian Officers—Siege of Lucknow, Question,  
Major Trench; Answer, Mr. Grant Duff  
June 26, [216] 1417

Length of Service of Regiments, Question,  
Colonel Barttelot; Answer, Mr. Cardwell  
Feb 13, [214] 368; — Limitation of Age,  
Question, Mr. W. M. Torrens; Answer, Mr.  
Campbell-Bannerman July 11, [217] 209

[See title *Army—Length of Service of  
Regiments in India*]

Majors of Artillery, Question, Sir David Wed-  
derburn; Answer, Mr. Grant Duff May 2,  
[215] 1404

Majors of the Scientific Corps (India), Ques-  
tion, Major Arbuthnot; Answer, Mr. Grant  
Duff August 1, [217] 1438

Medical Officers—The Medical Warrant, Ques-  
tion, Sir Thomas Basley; Answer, Mr. Grant  
Duff April 1, [215] 399

Regulations for European Officers—Prize,  
Question, Colonel Stuart Knox; Answer, Mr.  
Grant Duff July 10, [217] 146; Question,  
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Supply of Breech-Loaders, Question, Lord  
Eustace Cecil; Answer, Mr. Grant Duff  
Mar 24, [215] 12

The 28th Regiment—The Indian Mutiny Medal,  
Question, Sir Patrick O'Brien; Answer, Mr.  
Grant Duff July 7, [216] 1864

Troop Horses, Question, Sir Charles Wingfield;  
Answer, Mr. Grant Duff April 4, [215] 603

Burmese Embassy, The, Question, Mr. East-  
wick; Answer, Mr. Grant Duff April 24, [215]  
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**Civil Services, &c.**

Public Works Department—Officers of the  
Scientific Corps, Question, Major Trench;  
Answer, Mr. Grant Duff May 22, [216] 270;  
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Scripture Readers—Mr. Sandwell, Question,  
Mr. Whalley; Answer, Mr. Grant Duff  
July 11, [217] 210

The Forest Department—Competitions, Ques-  
tion, Mr. Raikes; Answer, Mr. Grant Duff  
July 8, [217] 35

Deaths by Snake-Bites, Question, Sir John  
Hay; Answer, Mr. Grant Duff May 22, [216]  
275

Destruction of Life by Wild Beasts, Question,  
Observations, Lord Napier and Ettrick;  
Reply, The Duke of Argyll June 27, [216]  
1485

Education, Question, Mr. Stapleton; Answer,  
Mr. Grant Duff April 28, [215] 1024

H.M. Roman Catholic Servants, Question,  
Mr. O'Reilly; Answer, Mr. Grant Duff  
May 5, [215] 1484

Indian Appeals, Observations, Lord Stanley of  
Alderley; Reply, The Duke of Argyll June 16,  
[216] 979

**India—Communication with—Railways**

Euphrates Valley Railway, Question, Sir  
George Jenkinson; Answer, Mr. Gladstone  
Feb 13, [214] 868

Amendt. on Committee of Supply April 4,  
To leave out from "That," and add "in the  
opinion of this House, the evidence laid  
before the Select Committee on the Euphrates  
Valley Railway last Session demonstrates  
the great advantages, both politically and  
commercially, that would accrue to England  
by the acquisition of an alternative route to  
and from India, especially in case of any  
emergency arising, and that this object would  
be best secured by a Railway which would  
connect the Mediterranean with the head of  
the Persian Gulf; and, therefore, the Re-  
commendation of the Select Committee on  
this subject to Her Majesty's Government is  
well deserving of their serious attention, with  
a view to carrying it into effect" (Sir George  
Jenkinson) v., [215] 606; Question proposed,  
"That the words, &c.", after debate, Question  
put; A. 106, N. 29; M. 74

Railway Communication with, Question, Sir  
George Jenkinson; Answer, Mr. Gladstone  
June 12, [216] 836

M. de Lesseps' Project of a Central Asian Rail-  
way, Question, Mr. Baillie Cochrane; An-  
swer, Viscount Enfield June 6, [216] 546

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*India—Communication with—Railways—cont.*

*The Peshawur Railway—Break of Gauge,*  
Amendt. on Committee of Supply *Mar 7*,  
To leave out from "That," and add "it  
is contrary to Imperial policy to allow a  
break of gauge in the Railway communica-  
tion between the important frontier town  
of Peshawur and the main Railway system  
of India" (*Mr. Laing*) *v.* [214] 1636; Question  
proposed, "That the words, &c.," after  
long debate, Amendt. withdrawn

*Railway Gauge—The Punjab Lines*, Question,  
*Mr. Laing*; Answer, *Mr. Grant Duff Feb 13*,  
[214] 372; Question, *Sir Charles Wingfield*;  
Answer, *Mr. Grant Duff April 7*, [215] 637;  
*April 28*, 1028

*India—East India Finance*

Select Committee appointed, "to inquire into  
the Finance and Financial Administration of  
India" (*Mr. Ayrton*) *Feb 7*  
And, on *Feb 10*, Committee nominated  
as follows:—*Mr. Ayrton* (Chairman), *Sir George Balfour*, *Mr. Baring*, *Sir Thomas  
Bazley*, *Mr. Beach*, *Mr. Birley*, *Mr.  
Bourke*, *Mr. Candlish*, *Mr. Stephen Cave*,  
*Mr. Baillie Cochrane*, *Mr. Crawford*, *Mr.  
Cross*, *Mr. Charles Dalrymple*, *Mr. Beckett-  
Denison*, *Mr. Dickinson*, *Mr. Grant Duff*, *Mr.  
Eastwick*, *Sir James Elphinstone*, *Mr.  
Fawcett*, *Lord Edmond Fitzmaurice*, *Mr.  
Robert Fowler*, *Mr. Haviland Burke*, *Mr.  
Hermon*, *Mr. Lyttelton*, *Mr. McClure*, *Sir  
Stafford Northcote*, *Mr. John Benjamin  
Smith*, *Sir David Wedderburn*, and *Sir Charles  
Wingfield*; *Mar 21*, *Mr. Campbell-Banner-  
man added*

Reports of Select Commn. (Nos. 179, 194, 384)

*India—Financial Statement*

Moved, "That, in the opinion of this House, it  
is desirable that the Statement of the Finan-  
cial Affairs of India should be made at a  
period of the Session when it can be fully  
discussed" (*Mr. Robert Fowler*) *April 1*,  
[215] 402

Amendt. to leave out from "That," and add "it  
be an Instruction to the Select Committee on  
East India Finance to consider and report  
whether the Indian Financial year which now  
terminates on the 31st March, should be  
altered to the year ending on the 31st Decem-  
ber, in order that the Secretary of State for  
India may be enabled to make his Financial  
Statement to the House before the Easter  
Recess" (*Sir Charles Wingfield*) *v.*; Question  
proposed, "That the words, &c.," after debate,  
Question put; A. 89, N. 130; M. 41; words added; main Question, as  
amended, put, and agreed to

*India—East India Revenue Accounts*

*East India Finance Committee—Second Re-  
port*, Questions, *Sir Thomas Bazley*, *Mr.  
Hunt*, *Sir Stafford Northcote*; Answers, *Mr.  
Gladstone May 13*, [215] 1874  
Question, *Mr. R. N. Fowler*; Answer, *Mr.  
Gladstone June 9*, [216] 637; *July 14*, 819;  
Observations, *Mr. Fawcett July 24*, 919;  
Moved, "That the House do now adjourn;"

[cont.]

*India—East India Revenue Accounts—cont.*

after short debate, Motion withdrawn; Ques-  
tion, *Mr. Fawcett*; Answer, *Mr. Goschen*  
[217] *July 31*, 1885

Order for Committee read; Moved, "That Mr.  
Speaker do now leave the Chair" (*Mr.  
Grant Duff*) *July 31*, 1889; after debate,  
Moved, "That the Debate be now adjourned"  
(*Mr. Fawcett*); after further short debate,  
Motion withdrawn

Question again proposed; Amendt. to leave out  
from "That," and add "in the opinion of this  
House, the present constitution of the Gov-  
ernment of India fails to secure an efficient  
or economical management of its finances,  
and that this House views with apprehension  
the state of local taxation in that Country,  
and is of opinion that its financial condition  
must be regarded as unsatisfactory so long as  
the Income Tax forms its only financial re-  
serve" (*Mr. Fawcett*) *v.*; Question proposed,  
"That the words, &c.," Debate adjourned

Debate resumed *August 1*, 1884; after debate,  
Moved, "That the Debate be now adjourned"  
(*Mr. Beckett-Denison*); Motion agreed to;  
Debate further adjourned

Debate resumed *August 2*, 1877; after long  
debate, Amendt. withdrawn; main Ques-  
tion, "That Mr. Speaker, &c.," put, and  
agreed to; Accounts considered in Com-  
mittee:—after debate, a Resolution agreed to,  
1508

Parl. Papers—  
Accounts for 1871-2 . . . . . 203  
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Progress and Condition, 1871-2 . . . . 172  
Liabilities on Revenue . . . . . 49  
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Reports of Select Committee on Indian  
Finance . . . . . 179, 194, 384

*India—Officers of the Native Army of  
India*

Amendt. on Committee of Supply *July 25*, To  
leave out from "That," and add "an humble  
Address be presented to Her Majesty, pray-  
ing Her Majesty to be graciously pleased  
to appoint a Royal Commission to inquire  
into the mode in which European Officers are  
supplied to the Native Army of India, and to  
the promotion, pay, pensions, and retiring al-  
lowances of such officers" (*Mr. Bourke*) *v.*,  
[217] 1028; Question proposed, "That the  
words, &c.," after long debate, Question put,  
and agreed to

*India—Punjab, &c.—Army Services*

Moved for, Return of the services in the field  
of the army on the Punjab frontier from  
1849 to 1863 for which medals were granted;  
showing the strength of the forces employed,  
the name of the officer who commanded, the  
number of casualties, upon each occasion  
separately: And for,

Similar Return respecting the Bazooee Expedi-  
tion of February 1869; and to ask the Secre-  
tary of State for India, why the provisions  
of the Warrant of 1868, granting medals for  
frontier services, were not extended to the  
forces of which the last-named expedition  
was composed (*The Marquess of Clanricarde*)  
*July 28*, [217] 1083; after short debate,  
Motion agreed to

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**Indian Railways Registration Bill—}**  
*Formerly*  
**East India (Railway Shares) Bill }**  
*(Mr. Grant Duff, Mr. Ayrton)*  
c. Ordered; read 1<sup>o</sup> \* May 21 [Bill 168]  
Read 2<sup>o</sup> \* May 26  
Committee \*—n.r. June 12  
Committee \*; Report June 16  
Read 3<sup>o</sup> \* June 18  
l. Read 1<sup>o</sup> \* (Duke of Argyll) June 19 (No. 164)  
Read 2<sup>o</sup> \* July 10  
Committee \*; Report July 11  
Read 3<sup>o</sup> \* July 14  
Royal Assent July 21 [36 & 37 Vict. c. 43]

**Industrial and Provident Societies Bill**  
*(Mr. Thomas Hughes, Mr. Morrison)*  
c. Ordered; read 1<sup>o</sup> \* Feb 11 [Bill 51]  
Read 2<sup>o</sup> \* Feb 25  
Committee [Dropped]

**Infanticide Law Amendment Bill**  
*(Mr. Charley, Mr. Gilpin, Mr. Charles Lewis)*  
c. Ordered; read 1<sup>o</sup> \* Feb 10 [Bill 42]  
Bill read 2<sup>o</sup>, after short debate May 14, [215] 1881  
Committee \* July 4  
Committee \*; Report July 15 [Bill 241]  
Committee [Dropped]

**Infant Life—Rope Spinners**  
Question, Mr. Charley; Answer, Mr. Bruce Feb 17, [214] 542

**Inland Revenue—Income Tax Appeals**  
Question, Mr. Cadogan; Answer, The Chancellor of the Exchequer Feb 17, [214] 540

**Innkeepers Liability Bill**  
*(Mr. Wheelhouse, Mr. Locke)*  
c. Ordered; read 1<sup>o</sup> \* Feb 11 [Bill 49]  
2R. negatived \* June 10

**International Exhibition, Vienna, 1873—**  
*The Embassy Chapel*  
Question, Mr. R. N. Fowler; Answer, Viscount Enfield Feb 10, [214] 199

**International Law—Arbitration**  
Moved, "That a humble Address be presented to Her Majesty, praying that She will be graciously pleased to instruct Her Principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers with a view to further improvement in International Law and the establishment of a general and permanent system of International Arbitration" (*Mr. Henry Richard*) July 8, [217] 52; after debate, Previous Question proposed, "That that Question be now put;" A. 88, N. 98; M. 10; main Question put, and agreed to  
Division List, Ayes and Noes, 88  
Her Majesty's Answer to Address reported July 17, 500

**International Law—The New Rules**

Amendt. on Committee of Supply Mar 21, to leave out from "That," and add "an humble Address be presented to Her Majesty, praying Her Majesty that, having regard to the oppressive and impracticable character of the obligations, hitherto unknown to International Law, which would be imposed upon neutral nations through the interpretation placed by the Tribunal of Geneva upon the three Rules in the 6th Article of the Treaty of Washington, and upon the principles of International Law with respect to the duties of neutrals in connection with the subject-matter of the said Rules, Her Majesty will be graciously pleased, in bringing these Rules to the knowledge of other maritime Powers and inviting them to accede to the same, to declare to them, and also to the Government of the United States, Her Majesty's dissent from the principles set forth by the Tribunal as the basis of their Award, principles which, by unduly enlarging the rights of belligerent Powers against neutrals, would discourage in the future the observance of neutrality by States desirous of peace" (*Mr. Gathorne Hardy*) v. [214], 1963; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn

**International Law—Loans to Charles VII. of Spain**, Question, Mr. Stapleton; Answer, The Attorney General Feb 28, [214] 1095  
[See title—*Treaties of Arbitration*]

**Intestates Widows and Children Bill [H.L.]**  
*(The Lord Chelmsford)*

l. Presented; read 1<sup>o</sup> \* Mar 8 (No. 38)  
Bill read 2<sup>o</sup>, after short debate Mar 8, [214] 1880  
Committee \* Mar 7  
Report \* Mar 10 (No. 39)  
Read 3<sup>o</sup> \* Mar 13  
Commons Amendts. (No. 225)  
c. Read 1<sup>o</sup> \* April 2 [Bill 114]  
Read 2<sup>o</sup> \* April 23  
Committee \*; Report June 30 [Bill 214]  
Committee \* (on re-comm.); Report July 14  
Considered \* July 16  
Read 3<sup>o</sup> \* July 17  
l. Royal Assent July 28 [36 & 37 Vict. c. 52]

**Investment of Capital in Land**

Moved, "That a Select Committee be appointed to inquire into the facilities afforded by the existing law for the investment of capital in the improvement of land, and to report whether any alteration of the law is requisite in order further to encourage such investment" (*The Marquess of Salisbury*) Mar 28, [215] 294; after short debate, Motion postponed

[See title—*Improvement of Land—Limited Owners*]

**IRELAND**

**MISCELLANEOUS QUESTIONS**

*Acts of Supremacy and Uniformity*, Question, Mr. J. Martin; Answer, Mr. Gladstone June 12, [216] 839  
*Amnesty to Political Prisoners*, Question, Mr. Butt; Answer, Mr. Gladstone July 25, [217] 997

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*Belfast Assizes—Case of Mr. M'Aliese*, Question, Sir John Gray ; Answer, Mr. Winterbotham April 7, [215] 650 ; Observations, Sir John Gray ; Reply, The Marquess of Hartington April 25, 1001 P.P. 267

*Board of Works (Ireland)*, Question, Mr. McCarthy Downing ; Answer, Mr. Baxter April 3, [215] 526

*Callan Schools—Rev. R. O'Keefe*—See title *Ireland—National Education Commissioners*  
*Census of Ireland*, Question, Sir Frederick W. Heygate ; Answer, The Marquess of Hartington June 5, [216] 514

*Charters of Dublin University and Trinity College*, Question, Sir Frederick W. Heygate ; Answer, Mr. Gladstone Feb 17, [214] 645

*Church Temporalities Commissioners (Ireland)—Purchase of Tithe Rent Charge*, Question, Observations, The Earl of Longford ; Reply, The Earl of Kimberley Feb 24, [214] 831 ; Question, The Earl of Leitrim ; Answer, The Marquess of Lansdowne July 22, [217] 752

*Civil Service (Ireland)—Reports of the Commissioners*, Question, Mr. Plunket ; Answer, Mr. Baxter Feb 7, [214] 154 ; Question, Mr. Plunket ; Answer, The Chancellor of the Exchequer Mar 24, [215] 11 ; Question, The O'Conor Don ; Answer, The Chancellor of the Exchequer Mar 31, 345 ; Question, Mr. McCarthy Downing ; Answer, The Marquess of Hartington April 3, 526 ; Questions, Mr. Plunket ; Answer, Mr. Gladstone July 10, [217] 149

[See title—Ireland—*The Irish Civil Servants*]

*Commander-in-Chief of the Forces in Ireland*, Question, Mr. Anderson ; Answer, Sir Henry Stork June 12, [216] 834 ; Question, Mr. Anderson ; Answer, Mr. Cardwell June 26, 1411 ; July 21, [217] 657 ; Questions, Mr. Anderson, Mr. Otway ; Answers, Mr. Cardwell July 31, 1323

*Coroners (Ireland)*, Question, Mr. Vance ; Answer, The Marquess of Hartington May 5, [215] 1490 ;—*Coroner for Meath*, Question, Mr. J. Martin ; Answer, The Marquess of Hartington July 25, [217] 998

**Criminal Law**

*Refusal of Publicans as Bailiffs*, Question, Mr. W. Johnston ; Answer, The Marquess of Hartington May 19, [216] 97

*The Convict Montgomery*, Question, Colonel North ; Answer, Mr. Winterbotham August 4, [217] 1529

*The Holywood Murders—The Inquest*, Question, Mr. W. Johnston ; Answer, The Marquess of Hartington Feb 20, [214] 727 ; Feb 25, 896

*The Letter-Mullen Coastguard*, Question, Mr. Mitchell Henry ; Answer, The Marquess of Hartington Feb 20, [214] 729 ; Question, Observations, Mr. Mitchell Henry ; Reply, The Marquess of Hartington June 26, [216] 1410 ; Question, Mr. Mitchell Henry ; Answer, The Marquess of Hartington July 18, [217] 607

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*English Records relating to Ireland*, Question, Mr. Cogan ; Answer, Mr. Baxter May 19, [216] 101

*Fisheries—Reproductive Loan Fund*, Question, Mr. H. A. Herbert ; Answer, The Marquess of Hartington Mar 6, [214] 1390 ; Mar 10, 1611 ; Question, Mr. Butt ; Answer, The Marquess of Hartington April 26, [215] 973

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*As to further Proceedings*, Question, Mr. Mitchell Henry ; Answer, The Marquess of Hartington Feb 25, [214] 898

*Bishop Duggan, &c.*, Question, Mr. Mitchell Henry ; Answer, The Attorney General Feb 21, [214] 788

*Prosecutions Expenses*, Question, Colonel French ; Answer, The Marquess of Hartington Feb 21, [214] 787

*The Attorney General for Ireland*, Question, Colonel Stuart Knox ; Answer, Mr. Gladstone Feb 27, [214] 1040

*General Valuation of Ireland—The Dublin and Kingstown Railway*, Question, The O'Conor Don ; Answer, Mr. Baxter June 30, [216] 1852 ; Question, Sir Frederick W. Heygate ; Answer, Mr. Gladstone, 1559

*Irish Bills—Corporation of Dublin*, Question, Mr. Vance ; Answer, The Marquess of Hartington Mar 3, [214] 1182

*Irish Church Act (1869)—Clause 25—National Monuments*, Question, Mr. Agar-Ellis ; Answer, Mr. Gladstone May 5, [215] 1489 ;—*Clause 32 (Purchase of Tithe Rent-Charges)*, Question, Sir Frederick W. Heygate ; Answer, The Marquess of Hartington June 5, [216] 514

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*Juries Lists—Remuneration of Clerks of Unions*, Question, Mr. G. Browne ; Answer, The Marquess of Hartington June 19, [216] 1164

[See title—*Juries (Ireland) Act*]

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*Labourers Dwellings (Ireland)*, Question, Sir Frederick W. Heygate; Answer, The Marquess of Hartington Feb 17, [214] 540; June 16, [216] 990; Question, Mr. Bruen; Answer, The Marquess of Hartington July 3, 1705; Question, Sir Frederick W. Heygate; Answer, Mr. Bruce July 31, [217] 1328

*Landed Estates Court—The Vacant Judgeship*, Question, Mr. Osborne; Answer, The Marquess of Hartington Feb 11, [214] 282; Question, Sir Hervey Bruce; Answer, The Marquess of Hartington Feb 18, 374; Question, Mr. McCarthy Downing; Answer, The Marquess of Hartington Feb 20, 729;—*Registration of Improvements*, Questions, The Earl of Leitrim, The Earl of Longford; Answers, The Marquess of Lansdowne Feb 17, 538

*Landed Estates Court (Ireland) Bill*, Question, Colonel Stuart Knox; Answer, The Marquess of Hartington July 14, [217] 320

*Landlord and Tenant (Ireland) Act, 1870*  
Motion for Returns (*The Earl of Leitrim*) Feb 14, [214] 431; Motion amended, and agreed to (Parl. P. No. 108)  
*Motions for Papers and Returns (The Earl of Leitrim)* July 22, [217] 751; Motions agreed to  
*Chairmen of Counties*, Question, Mr. Vance; Answer, Mr. Baxter July 17, [217] 498  
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*Contracts—The 12th Clause*, Question, Mr. M'Mahon; Answer, Mr. Gladstone Feb 24, [214] 834

*Law of Rating*, Question, Mr. McCarthy Downing; Answer, The Marquess of Hartington Feb 20, [214] 729

*Licensing Act in Ireland*, Question, Mr. Cogan; Answer, The Marquess of Hartington May 16, [216] 15

*Lunatic Asylum Boards (Ireland)*, Question, Sir Dominic Corrigan; Answer, The Marquess of Hartington July 10, [217] 145

*National Education—Teachers in Irish Workhouse Schools*, Question, Mr. Pim; Answer, The Marquess of Hartington July 29, [217] 1177

*Peace Preservation (Ireland) Act*, Question, Mr. Callan; Answer, The Marquess of Hartington July 24, [217] 916

*Poor Law Elections (Ireland)—Forged Voting Papers*, Question, Mr. Bruen; Answer, The Marquess of Hartington June 30, [216] 1558

*Prison Discipline*, Question, Mr. Pim; Answer, The Marquess of Hartington May 23, [216] 356

*Queen's Colleges (Ireland)—Grand Jury Laws (Ireland)*, Questions, The O'Conor Don; Answers, The Marquess of Hartington Feb 10, [214] 198

*Railways—Valuation of Lines*, Question, The O'Conor Don; Answer, Mr. Baxter June 24, [216] 1309;—*Loans to Railway Companies*, Question, Mr. M'Clure; Answer, Mr. Gladstone June 30, 1551

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*Royal Irish Constabulary*, Question, Mr. Kavanaugh; Answer, The Marquess of Hartington July 21, [217] 661; Question, Sir Frederick W. Heygate; Answer, Mr. Bruce July 31, 1327

*Sanitary Statutes (Ireland)*, Question, Mr. Bruen; Answer, The Marquess of Hartington July 7, [216] 1862

*The Magistracy (Ireland)*

*Frankford Bench of Magistrates*, Question, Sir Patrick O'Brien; Answer, The Marquess of Hartington July 28, [217] 1085

*Galway Magistracy—Case of Mr. Dickson*, Question, Colonel Cole; Answer, The Marquess of Hartington Mar 24, [215] 15

*Louth, The County of*, Question, Mr. Callan; Answer, Mr. Gladstone July 30, [217] 1254; Question, Mr. Callan; Answer, Mr. Bruce August 1, 1429

*Revision of List of Magistracy*, Question, Mr. Callan; Answer, The Marquess of Hartington July 24, [217] 904

[See titles—*Ireland—Dundalk Magistracy*

*Ireland—Counties*

*Skipendiary Magistrates*, Question, Lord Claud John Hamilton; Answer, The Marquess of Hartington May 26, [216] 430; July 17, [217] 496

*Valuation Department (Ireland)*—See that title

*Ireland—Constabulary—Sub-Constable John Howe*

Moved for, Copy of the report made by sub-constable John Howe, dated Ballycumber, the 26th of March 1873, or thereabouts, relative to the alleged cruelty to a horse near Ballycumber in the King's County, Ireland: [and other Papers] (*The Earl of Leitrim*) July 22, [217] 752; on Question, resolved in the negative

*Ireland—Counties (Lords Lieutenant and Magistrates)*

Moved, "That there be laid before the House, a Return, as per annexed form, as to each County in Ireland stating the name of Lieutenant and date of his appointment as such; names of the local Magistracy with dates of appointment, distinguishing resident from non-resident, and amount of property for which each Magistrate appears rated for the relief of the poor as Occupier and as immediate Lessor, and stating whether usually resident or non-resident in County, in a tabular form" (Mr. Callan) August 5, [217] 1566; after short debate, Motion negatived

*Ireland—Crime in Ireland*

Moved that there be laid before this House, Police Returns of all Crime in Ireland, showing where perpetrators have not been discovered and where they have been prosecuted and convicted, since the 1st of January 1872: Any remarks of Judges at the last Spring

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*Ireland—Crime in Ireland—cont.*

Assizes and of Assistant Barristers at Quarter Sessions since the new Jury Bill came into force as to the competency of Jurors (*The Lord Oranmore and Browne*) May 16, [216] 7; after short debate, Motion withdrawn

*Ireland—Dundalk Magistracy*

Moved, "That there be laid before this House, a Copy of Correspondence, and all Documents connected therewith, between the Lord Chancellor of Ireland, his Lordship's Secretaries, and Mr. Callan, M.P., and E. H. McArdle, esquire, between the 23rd day of December 1868 and the 31st day of July 1869, with respect to the filling up of a vacancy on the Dundalk Bench of Magistrates, by the appointment of the Chairman of the Town Commissioners thereto" (*Mr. Callan*) August 5, [217] 1584; after short debate, Motion withdrawn

*Ireland—Galway Election Petition—Trial of Election Petitions*

Amendt. on Committee of Supply April 25, To leave out from "That," and add "in the opinion of this House, the present system of trying Election Petitions is unsatisfactory and requires alteration" (*Mr. O'Conor*) v., [215] 677; Question proposed, "That the words, &c." after short debate, Question put, and agreed to

*Ireland—Land Improvement Acts—Loans*

Motion for, Return of the total amount of all loans under the Land Improvement Acts sanctioned by the Board of Public Works in Ireland since 1st January, 1871; to be made in the following form [Tabular Form] (*Earl of Belmore*) Feb 7, [214] 144; after short debate, Motion agreed to (*Parl. P.* No. 30)

*Ireland—National Education Commissioners—The Callan Schools—Dismissal of Rev. Robert O'Keeffe*

215] Question, The Marquess of Hartington; Answer, Mr. Bouvierie April 29, 1140; Question, Mr. Bouvierie; Answer, Mr. Gladstone May 9, 1720; Question, Colonel Taylor; Answer, Mr. Gladstone May 9, 1770  
Moved, "That a Select Committee be appointed to inquire into and report to the House the circumstances of the dismissal by the Commissioners of National Education in Ireland, of the Reverend Robert O'Keeffe from the office of Manager of the Callan Male, Female, and Infant National Schools, and the Newtown and Coolagh National Schools, by their Order the 23rd day of April 1872, and of the removal of the said Schools from the Roll of National Schools by their Order the 7th day of January 1873" (*The Marquess of Hartington*) May 15, 2023

Amendt. to leave out from "That," and add "this House, having partly already before it, and having partly ordered to be laid before it, Copies of all Minutes and Proceedings, and of all Correspondence of the Board of

*Ireland—National Education Commissioners—cont.*

National Education in Ireland, relating to the Schools at Callan or to the Reverend Robert O'Keeffe, do pass to the Orders of the Day" (*Mr. Bouvierie*) v.;—After long debate, Question put, "That the words, &c." A. 159, N. 131; M. 28; main Question put, and agreed to; Select Committee appointed

216] Questions, Colonel Stuart Knox, Mr. Spencer Walpole; Answers, The Marquess of Hartington, Mr. Bouvierie May 19, 101

*Nomination of the Select Committee, On Motion of The Marquess of Hartington, Mr. Secretary Cardwell (Chairman), Mr. Gathorne Hardy, Mr. Whitbread, Mr. Bourke, and The O'Conor Don nominated Members of the said Committee May 22, 319*

Moved, "That Dr. Lyon Playfair be one other Member of the said Committee" (*Mr. Vernon Harcourt*); after short debate, Question put; A. 200, N. 182; M. 18

Moved, "That Mr. Cross be one other Member of the said Committee" (*Mr. Vernon Harcourt*); Question put; A. 205, N. 165; M. 40

Moved, "That the Select Committee have power to send for persons, papers, and records;" Moved, "That the Debate be now adjourned" (*Sir Patrick O'Brien*); after further short debate, Motion withdrawn; original Question put, and agreed to

Question, Mr. Bouvierie; Answer, Mr. Gladstone July 3, 1711

217] *Notice of Motion [July 4] withdrawn, Question, Observations, Mr. Bouvierie; Reply, Mr. Gladstone July 11, 210; Question, Mr. Agar-Ellis; Answer, Mr. Gladstone August 2, 1473*

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Return respecting . . . . (1) No. 144

Report of Select Comm. . . . No. 255

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*Ireland—The Irish Civil Servants*

Amendt. on Committee of Supply July 4, To leave out from "That," and add "the Civil Service (in Ireland) Commissioners" having reported that the dissatisfaction on the ground of 'the general inadequacy of the present scale of salaries, having regard to the great increase which has taken place in latter years in the cost of living,' is well founded; and that 'there is no reason, based on local considerations, for giving salaries to Civil Servants stationed in Dublin less in amount than those assigned to persons in London performing analogous duties,' this House is of opinion that such general inadequacy of the present scale of salaries of the Civil Servants serving in Ireland should as soon as possible be redressed, and that they should be placed upon an equality as to remuneration with those performing duties in England corresponding in difficulty and responsibility" (*Mr. Plunket*) v., [216] 1805; Question proposed, "That the words, &c." after debate, Question put; A. 117, N. 130; M. 18; words added; main Question, as amended, put, and agreed to

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*Ireland—The Shannon Navigation*

Question, The O'Conor Don; Answer, The Chancellor of the Exchequer Feb 18, [214] 368

Amendt. on Committee of Supply Mar 7, to leave out from "That," and add "the evils brought upon a large portion of Ireland by the periodical floods of the Shannon and her tributaries are attributable to the state of the navigation works, and to the neglect of the recommendations of the Commissioners appointed under the Act 5 and 6 Will. 4, c. 67; and that the navigation works, which are the property of the Government, and under their exclusive control, are far behind the present state of engineering science, and admit of great improvement at a comparatively moderate cost; and that it is reasonable and right that, whilst amply maintaining the means of public navigation, measures should be forthwith adopted to relieve a district of many hundreds of miles of the vast and unnecessary suffering inflicted upon it by the useless impounding of the waters of the River Shannon" (Mr. Mitchell Henry) v., 1569; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

*Drainage of Land (Ireland) Act. 1863—Rivers Suck and Shannon*, Question, Major Trench; Answer, The Chancellor of the Exchequer June 27, [216] 1498; June 30, 1559; July 10, [217] 154; Questions, Major Trench; Answers, Mr. Gladstone August 1, 1433; August 4, 1528

*The River Shannon—Legislation*, Questions, Major Trench; Answers, The Chancellor of the Exchequer Mar 31, [215] 348

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*Irish Railways—Purchase by the State*

Question, Mr. Goldsmid; Answer, Lord Claud Hamilton April 25, [215] 976

Moved, "That this House, whilst expressing no opinion on the subject of State ownership or State management of Railways in other parts of the Empire, is of opinion that it is desirable (having regard to the universally expressed wishes and wants of the Irish people) that the Railways in Ireland should be acquired on equitable terms by the State, with a view to their management being conducted in the interests of the public: this measure to be carried out in such a way as not to involve any loss to the finances of the Empire" (Lord Claud Hamilton) April 29, 1141

Amendt. to leave out from "That," and add "the purchase of the Irish Railways by the State would be financially inexpedient, would unduly enlarge the patronage of the Government, and seriously increase the pressure of business in Parliament" (Mr. Goldsmid) v.; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn; main Question put; A. 65, N. 197; M. 182

*JACKSON, Mr. R. Ward, Hartlepool Harbours of Refuge, Motion for a Committee*, [215] 1426

*JAMES, Mr. H., Taunton*

Board of Education (Ireland)—O'Keeffe, Rev. Mr., Nomination of Committee, [216] 327

County Court Judges—Minute of June, 1872, Res. [214] 1289, 1290, 1292, 1298, 1299

Crown Private Estates, 2R. [217] 715

Juries, 2R. [214] 559; Comm. cl. 1, [215] 2072; cl. 5, [216] 524, 526; cl. 29, 531; cl. 43, 533; cl. 52, 1517

Masters and Servants—Law of Contract, Res. [216] 607

Parliamentary Elections Expenses, 2R. [216] 1129

Register for Parliamentary and Municipal Electors, 2R. [214] 1952; Comm. cl. 5, [215] 980; cl. 9, 981; cl. 32, Amendt. [216] 413

216] Supreme Court of Judicature, 2R. 673; Comm. cl. 5, 1602; cl. 8, 1744, 1745, 1746; cl. 22, 1800; cl. 29, 1879, 1883; cl. 31, 1885, 1888, 1889

217] cl. 50, 47; cl. 54, 177, 179, 180; cl. 74, 189; cl. 75, 219; cl. 31, 226, 228; add. cl. 342; Schedule, Sec. 30, Amendt. 344; Consid. cl. 55, 683

*JENKINSON, Sir G. S., Wiltshire, N.*  
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Belgium—Army Re-organization, [217] 804

Criminal Law—Capital Offences, [214] 371 Chipping Norton Magistrates, [216] 1784, 1786

Elementary Education Act (1870) Amendment, Re-comm. cl. 23, [217] 798, 799

India, Railway Communication with, [216] 836, 837

India—Euphrates Valley Railway, [214] 368; Res. [215] 606, 616

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Rating (Liability and Value), 2R. [216] 318; Comm. cl. 3, Amendt. 912, 923, 926, 1015, 1020, 1029; cl. 13, Amendt. 1238; 3R. [217] 686

Supply—Alabama Claims, [216] 411

Turnpike Acts Continuance, &c. Comm. [216] 1767

Ways and Means—Financial Statement, Comm. [215] 681; Report, 919, 1334

*JERVIS, Colonel H. J. W., Harwich*

India—Offering of the Indian Army, Motion for an Address, [217] 1057

*JESSEL, Sir G., see SOLICITOR GENERAL, The*

*JOHNSTON, Mr. A., Essex, S.*

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**JOHNSTON, Mr. W., Belfast**

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University Education (Ireland), 2R. Amendt. [214] 1447

**JOHNSTONE, Sir H., Scarborough**

Harbours of Refuge, Motion for a Committee, [215] 1421  
Rating (Liability and Value), Comm. cl. 16, [216] 1427

**JONES, Mr. J., Carmarthenshire**

Post Office—Telegraph Department—Carmarthen District, [215] 1557

**Judicial Peerages**

Moved, "That an humble Address be presented to Her Majesty; praying that for the advantage of this House and of the suitors thereto, and for the honour of the legal profession, Her Majesty will be pleased to sanction the erection of the offices of Lord High Chancellor, Lord Chief Justice of the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Exchequer of England into Baronies which shall entitle the holders of those offices to writs of summons to Parliament by tenure thereof under such titles as Her Majesty shall in each case be pleased to summon them; and that such writs of summons as aforesaid shall make the persons receiving the same, although they may not continue to hold the said offices, Peers of Parliament for life, without remainder to the heirs of their bodies; and that in the event of Her Majesty being pleased at any time after such writ shall have been issued to create the person sitting under the same a baron by patent under the same title, with remainder to the heirs male of his body, the barony so created may, if Her Majesty shall be so pleased, take precedence from the date of the first writ of summons directed to such person" (*The Lord Redesdale*) July 4, [216] 1758; Previous Question moved (*The Lord Cairns*); after debate, a Question being stated thereupon, the Previous Question was put, "Whether the said Question shall be now put?" resolved in the negative

**Juries Bill**

(*Mr. Attorney General, Mr. Solicitor General*)

c. Ordered; read 1<sup>o</sup> Feb 10 [Bill 35]  
Moved, "That the Bill be now read 2<sup>o</sup>" Feb 17, [214] 547  
Moved, "That the Debate be now adjourned" (*Mr. Staveley Hill*); after short debate, Motion withdrawn; original Question put; Bill read 2<sup>o</sup>

**Juries Bill—cont.**

Committee\*—R.P. Mar 20  
Committee—R.P. May 15, [215] 207  
Committee—R.P. June 5, [216] 515  
Committee—R.P. June 27, 1505  
Committee July 17, [217] 590  
Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Cross*); after short debate, Question put; A. 78, N. 126; M. 48  
Moved, "That the Chairman do now leave the Chair" (*Mr. F. S. Powell*); after further short debate, Motion withdrawn  
Committee R.P.  
Bill withdrawn\* July 28

**Juries (Ireland) Act**

Questions, Mr. Vance, Lord Claud John Hamilton; Answers, The Marquess of Hartington Mar 24, [215] 9  
Amendt. on Committee of Supply Mar 28, To leave out from "That," and add "a Select Committee be appointed to inquire into the operation of the Act 34 and 35 Vic. c. 65, Juries (Ireland) Act, and whether it is necessary to amend the same in order to secure the due administration of justice" (*Mr. Bruen*) v. [215] 315; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Select Committee appointed, "to inquire and report on the working of the Irish Jury system before and since the passing of the Act 34 and 35 Vic. c. 65; and, whether any and what amendments in the Law are necessary to secure the due administration of justice" (*Mr. Bruen*) Mar 31

And, on April 2, Committee nominated as follows:—Marquess of Hartington (Chairman), Mr. Attorney General, Dr. Ball, Sir Rowland Blennerhassett, Mr. Bourke, Mr. Bruen, Viscount Crichton, Mr. Downing, Mr. Heron, Mr. Charles Lewis, The O'Conor Don, The O'Donoghue, Major O'Reilly, Colonel Wilson Patten, and Colonel Vandeleur; April 29, Colonel Forde added, Lord Claud Hamilton disch.; May 5, Mr. Henry Herbert added, Mr. M'Mahon disch.

**Nomination of the Committee**, Question, Mr. Callan; Answer, The Marquess of Hartington April 4, [215] 804

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**Juries (Ireland) Bill** (*The Marquess of Hartington, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> May 16 [Bill 166]  
Precedence of Motions, Question, Mr. Bruen; Answer, Mr. W. H. Smith Mar 25, [215] 111  
Bill read 2<sup>o</sup> May 26, [216] 483  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 27; Debate adjourned  
Committee\*; Report June 5  
Considered\* June 6  
Read 8<sup>o</sup> June 9  
l. Read 1<sup>o</sup>\* (*M. of Lansdowne*) June 10 (No. 150)  
Read 2<sup>o</sup>\*; Committee negatived June 12  
Read 3<sup>o</sup> June 13, 906  
Royal Assent June 16 [36 Vict. c. 27]

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*Jury List Allowances—Magistrates' Clerks*  
 Question, Colonel Brise; Answer, Mr. Stansfeld April 3, [215] 530

**KAVANAGH**, Mr. A. M., *Carlow Co.*  
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**KAY-SHUTTLEWORTH**, Mr. U. J., *Hastings*  
 Education—Revised Code—Teachers for Ele-  
 mentary Schools, [217] 912  
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**KENNAWAY**, Sir J. H., *Devonshire, E.*  
 Elementary Education Act—London School  
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 c. Ordered; read 1<sup>o</sup> Feb 13 [Bill 58]  
 2R. [Dropped]
- Labourers Cottages (Scotland) Bill**  
 (Mr. Fordyce, Mr. McCombie, Mr. Barclay, Sir George Balfour, Mr. Parker)  
 c. Ordered; read 1<sup>o</sup> Feb 26 [Bill 89]  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
 June 18, [216] 1135  
 Amendt. to leave out "now," and add "upon this day three months" (Sir James Elphinstone); Question proposed, "That 'now,' &c.;" after debate, Debate adjourned  
 Debate resumed July 16, [217] 484; after long debate, Question put; A. 74, N. 78; M. 4; words added; main Question, as amended, put, and agreed to; Bill put off for three months
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- Land Drainage Provisional Order Bill**  
 (Mr. Winterbotham, Mr. Secretary Bruce)  
 c. Ordered; read 1<sup>o</sup> Mar 21 [Bill 97]  
 Read 2<sup>o</sup> Mar 24  
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 Read 3<sup>o</sup> April 21  
 2. Read 1<sup>o</sup> (Earl of Morley) April 22  
 Read 2<sup>o</sup> May 6 (No. 70)  
 Committee\*; Report May 8  
 Read 3<sup>o</sup> May 9  
 Royal Assent May 15 [36 Vict. c. xxiv]
- Landed Estates Court (Ireland) (Judges) Bill**  
 (The Marquess of Hartington, Mr. Baxter)  
 c. Ordered; read 1<sup>o</sup> June 5 [Bill 182]  
 Bill withdrawn, after short debate July 24, [217] 955
- Landlord and Tenant Bill**  
 (Mr. James Howard, Mr. Clare Read)  
 c. Ordered\* Feb 11  
 Read 1<sup>o</sup> Feb 18 [Bill 58]  
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**Landlord and Tenant (Ireland) Act (1870)**  
**Amendment Bill [H.L.]**  
*(The Earl of Leitrim)*

i. Presented; read 1<sup>o</sup> Feb 14 (No. 15)

**Landlord and Tenant (Ireland) Act (1870)**  
**Amendment Bill**

*(Mr. Heron, Mr. John Bright, Mr. Pim)*  
 c. Ordered; read 1<sup>o</sup> May 19 [Bill 187]  
 2R. [Dropped]

**Landlord and Tenant (Ireland) Act (1870)**  
**Amendment (No. 2) Bill**

*(Mr. Butt, Mr. P. J. Smyth)*  
 c. Ordered; read 1<sup>o</sup> July 29 [Bill 271]  
 2R. [Dropped]

**Land Rights and Conveyancing (Scotland)**  
**Bill (Mr. Gordon, Mr. Charles Dalrymple, Sir Graham Montgomery)**

c. Ordered \* Mar 31  
 Read 1<sup>o</sup> April 1 [Bill 112]  
 Bill withdrawn \* July 9

**Land Settlement Bill**

*(Mr. Wren-Hoskyns, Mr. M'Lagan)*  
 c. Ordered; read 1<sup>o</sup> Feb 25 [Bill 80]  
 Bill withdrawn \* July 21

**Land Titles and Transfer Bill [H.L.]**

*(The Lord Chancellor)*  
 i. Presented; read 1<sup>o</sup>, after short debate April 29, [215] 1116 (No. 85)  
 Bill read 2<sup>o</sup>, after short debate May 23, [216] 341

**Langbaugh Coroners Bill**

*(Mr. Secretary Bruce, Mr. Winterbotham)*  
 c. Ordered; read 1<sup>o</sup> July 15 [Bill 242]  
 Read 2<sup>o</sup> July 22  
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 Read 3<sup>o</sup> July 25  
 l. Read 1<sup>o</sup> (Earl of Morley) July 28 (No. 248)  
 Read 2<sup>o</sup> July 29  
 Committee \* July 31  
 Report \* August 1  
 Read 3<sup>o</sup> August 2  
 Royal Assent August 5 [36 & 37 Vict. c. 81]

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- c. Ordered \* April 30
- Read 1<sup>o</sup> \* May 5                                  [Bill 150]
- Read 2<sup>o</sup> \* May 12
- 216] Committee—*p.r.* June 5, 541
- . Committee; Report June 6, 610 [Bill 184]
- Considered \* June 16
- Read 3<sup>o</sup> June 17
- l. Read 1<sup>o</sup> \* (*Lord Chancellor*) June 18 (No. 163)
- . Bill read 2<sup>o</sup>, after short debate July 4, 1780
- 217] Committee July 11, 203                          (No. 207)
- . Report July 15, 387                                  (No. 213)
- Read 3<sup>o</sup> July 17
- . c. Lords Amendts. considered July 24, 963                          [Bill 264]

After short debate, Committee appointed "to draw up reasons to be assigned to The Lords for disagreeing to certain of the Amendts. made by the Lords to the Law Agents (Scotland) Bill"

- l. Commons Reasons for disagreeing to certain of the Amendts. made by the Lords considered (according to Order) July 28, 1084 (No. 247)
- Moved, not to insist upon the Amendts. made by their Lordships (*The Lord Chancellor*)
- After short debate, Motion agreed to; Lords Amendts. to which the Commons have disagreed not insisted on

Royal Assent August 5 [36 & 37 Vict c. 63]

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**Bastardy Laws**—*Legislation*, Question, Mr. Charley; Answer, Mr. Stanfeld May 8, [215] 1680

**Chipping Norton Magistrates**, Question, Mr. Mundella; Answer, Mr. Bruce May 26, [216] 429; Questions, Mr. Corbett, Mr. Bowring; Answers, Mr. Bruce May 27, 501; Question, Mr. Bowring; Answer, Mr. Bruce June 6, 548; Explanation, Mr. Bruce June 9, 639; Questions, Sir George Jenkinson, Mr. Cobett, Mr. Bowring; Answers, Mr. Bruce July 4, 1784

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**Digest of Sanitary Statistics**, Question, Sir Michael Hicks-Beach; Answer, Mr. Stanfeld Feb 7, [214] 164; Question, Sir Charles Adderley; Answer, Mr. Gladstone Feb 10, 198; Question, Sir Charles Adderley; Answer, Mr. Stanfeld Feb 13, 373; Feb 25, 895; Question, Mr. Gregory; Answer, Mr. Hibbert April 21, [215] 726

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**Law of Conspiracy**—*Legislation*, Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone June 19, [216] 723

**Law of Homicide**—*Legislation*, Question, Mr. Charley; Answer, Mr. Bruce June 20, [216] 1230

**Leamington Magistracy**—*The Labourers Union*, Question, Lieutenant-Colonel Parker; Answer, Mr. Bruce Mar 26, [215] 100

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(*Mr. Attorney General, Mr. Solicitor General*)

- c. Ordered; read 1<sup>o</sup> \* July 31                          [Bill 274]
- Bill withdrawn August 5, [217] 1559

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 c. Ordered; read 1<sup>o</sup>\* April 24 [Bill 139]  
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 l. Read 1<sup>o</sup>\* (Marquess of Lansdowne) May 15  
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 Committee\*; Report May 26  
 Read 3<sup>o</sup>\* May 27  
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- Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Bill [H.L.] (The Earl of Bessborough)**  
 l. Presented; read 1<sup>o</sup>\* May 27 (No. 134)  
 Read 2<sup>o</sup>\* June 20  
 Committee\* June 26  
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 Read 3<sup>o</sup>\* July 1  
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 c. Read 1<sup>o</sup>\* (Marquess of Hartington) July 7  
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 Read 3<sup>o</sup>\* July 21  
 l. Royal Assent July 28 [36 & 37 Vict. c. ccix]
- Local Government Districts (Consolidated Rate) Bill (Mr. Andrew Johnston, Mr. Francis Powell, Colonel Brise)**  
 c. Ordered; read 1<sup>o</sup>\* Feb 26 [Bill 84]  
 Read 2<sup>o</sup>\* Mar 7  
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- Local Government Provisional Orders Bill Formerly—**
- Local Government Supplemental Bill (Mr. Hibbert, Mr. Stansfeld)**  
 c. Ordered; read 1<sup>o</sup>\* Feb 7 [Bill 2]  
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 Considered\* Feb 21  
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- Local Government Provisional Orders Bill—cont.**
- l. Read 1<sup>o</sup>\* (*The Earl of Morley*) Feb 25 (No. 26)  
 Read 2<sup>o</sup>\* Mar 7  
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 a. Ordered; read 1<sup>o</sup>\* May 14 [Bill 163]  
 Read 2<sup>o</sup>\* May 19  
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 Read 2<sup>o</sup>\* June 17  
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 Read 3<sup>o</sup>\* June 20  
 Royal Assent July 7 [36 & 37 Vict. c. 82]
- Local Government Provisional Orders (No. 3) Bill (Mr. Hibbert, Mr. Stansfeld)**  
 a. Ordered; read 1<sup>o</sup>\* May 21 [Bill 169]  
 Read 2<sup>o</sup>\* May 26  
 Committee\*; Report June 5  
 Read 3<sup>o</sup>\* June 6  
 l. Read 1<sup>o</sup>\* (*Earl of Morley*) June 9 (No. 143)  
 Read 2<sup>o</sup>\* June 17  
 Committee\*; Report June 19  
 Read 3<sup>o</sup>\* June 20  
 Royal Assent July 7 [36 & 37 Vict. c. 83]
- Local Government Provisional Orders (No. 4) Bill (Mr. Hibbert, Mr. Stansfeld)**  
 c. Ordered; read 1<sup>o</sup>\* May 23 [Bill 174]  
 Read 2<sup>o</sup>\* June 5  
 Bill withdrawn\* June 11
- Local Government Provisional Orders (No. 4) Bill [H.L.] (The Earl of Morley)**  
 l. Presented; read 1<sup>o</sup>\* June 9 (No. 135)  
 Read 2<sup>o</sup>\* June 17  
 Committee\*; Report June 19  
 Read 3<sup>o</sup>\* June 20  
 c. Read 1<sup>o</sup>\* (Mr. Hibbert) June 27 [Bill 211]  
 Read 2<sup>o</sup>\* June 30  
 Committee\*; Report July 9  
 Read 3<sup>o</sup>\* July 10  
 l. Royal Assent July 21 [36 & 37 Vict. c. cxii]
- Local Government Provisional Orders (No. 5) Bill [H.L.] (The Marquess of Lansdowne)**  
 l. Presented; read 1<sup>o</sup>\* June 12 (No. 154)  
 Read 2<sup>o</sup>\* June 20  
 Committee\*; Report June 23  
 Read 3<sup>o</sup>\* June 26  
 c. Read 1<sup>o</sup>\* (Mr. Hibbert) June 27 [Bill 212]  
 Read 2<sup>o</sup>\* June 30  
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 Read 3<sup>o</sup>\* July 10  
 l. Royal Assent July 21 [36 & 37 Vict. c. cxii]

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**Local Government Provisional Orders  
(No. 6) Bill [H.L.]**

(*The Marquess of Lansdowne*)

1. Presented ; read 1<sup>o</sup>\* June 13 (No. 157)  
Read 2<sup>o</sup>\* June 20  
Committee\* July 10  
Report\* July 11  
Read 3<sup>o</sup>\* July 15  
c. Read 1<sup>o</sup>\* July 17. [Bill 244]  
Read 2<sup>o</sup>\* July 18  
Committee\* ; Report July 28  
Considered\* July 29  
Read 3<sup>o</sup>\* July 30  
l. Royal Assent August 5 [86 & 37 Vict. c. cxvi]

**Local Legislation (Ireland) Bill  
(Mr. McMahon, Mr. Montagu Chambers, Colonel French, Mr. Bagwell)**

- c. Ordered ; read 1<sup>o</sup>\* Feb. 19 [Bill 72]  
2R. August 20

**Local Legislation Bill**

(*Mr. Heron, Mr. Serjeant Simon*)

- c. Ordered ; read 1<sup>o</sup>\* April 23 [Bill 137]  
2R. [Dropped]

**Local Rates and Taxes (Scotland) Bill  
(The Lord Advocate, Mr. Secretary Bruce)**

- c. Ordered ; read 1<sup>o</sup>\* July 22 [Bill 256]  
Read 2<sup>o</sup>\* July 25  
Bill withdrawn \* July 28

**Local Taxation**

*Administration of Justice &c.*, Question, Sir Massey Lopes ; Answer, Mr. Gladstone April 22, [215] 798

*Costs of Criminal Prosecutions*, Question, Sir Massey Lopes ; Answer, Mr. Bruce Feb 20, [214] 733 ; Question, Mr. Holker ; Answer, Mr. Baxter May 12, [215] 1788

*Exemption of Real Property*, Questions, Sir John St. Aubyn, Sir Massey Lopes ; Answers, Mr. Stanfeld Mar 24, [215] 18

**Local Taxation (Accounts) Bill**

(*Mr. Pell, Sir Massey Lopes, Mr. Clare Read, Mr. Rowland Winn, Viscount Mahon*)

- c. Ordered ; read 1<sup>o</sup>\* Feb 7 [Bill 16]  
Read 2<sup>o</sup>\* Mar 7  
Committee\*—R.P. Mar 21  
Committee April 1, [215] 467 [Count out]  
Committee\* ; Report April 3 [Bill 22]  
Considered [Dropped]

**Local Taxation—Boundaries of Parishes, Unions, and Counties**

Moved, "That a Select Committee be appointed to inquire and report whether the existing Areas and Boundaries of Parishes, Unions, and Counties may be so altered and adjusted as to prevent the inconvenience in matters of Local Administration and Taxation which now arises from the limited extent or subdivision of certain Parishes, or the overlapping of Parishes in two or more adminis-

**Local Taxation—Boundaries of Parishes, Unions, and Counties—cont.**

trative areas, or from Parishes and Unions being situate in more than one County, with power to recommend whether any and, if so, what measures should be taken to give effect to their Report" (*Mr. Stanfeld*) May 12, [215] 1819

After debate, Amendt. proposed, in line 3, after "Parishes," to insert "Municipal Boroughs" (*Mr. Samuelson*), 1834 ; Question proposed, "That those words be there inserted;" after further debate, Amendt. withdrawn ; main Question put, and agreed to ; Select Committee appointed

And, on May 22, Committee nominated as follows :—Mr. Stanfeld (Chairman), Colonel Barttelot, Sir Michael Hicks-Beach, Mr. Candlish, Lord George Cavendish, Mr. Floyer, Mr. Goldney, Mr. Hibbert, Mr. Locke King, Mr. Leemun, Sir John St. Aubyn, Mr. Welby, and Mr. Whitbread ; June 10, Mr. Cawley added, Mr. Ridley disch. ; June 13, Mr. Stephen Cave and Mr. Woods added ; June 16, Colonel Brise added, Mr. Gross disch. ;

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**LOCKE, MR. J., Southwark**

Consolidated Fund (Appropriation), Comm. [217] 1451

County Court Judges—Minute of June, 1872, Res. [214] 1308, 1308

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Endowed Schools Act (1869) Amendment, 2R. [217] 732 ; Comm. cl. 4, 937 ; add. cl. 954

Epping Forest, 2R. [214] 606, 607

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Municipal Elections (Cumulative Vote), 2R. [217] 487

Register for Parliamentary and Municipal Electors, Re-comm. cl. 4, [215] 798 ; cl. 7, 900 ; cl. 9, 1691

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Post Office Services, [217] 1115

Supreme Court of Judicature, Comm. cl. 24, [216] 1805

Ways and Means, Report, [215] 918

**Locomotion, Taxes on**

Moved, "That, in the opinion of this House, Taxes on the means of Locomotion are opposed to public policy, and should be repealed at the earliest opportunity" (*Mr. Loring*) April 1, [215] 433 ; after debate, Question put, and negatived

**Locomotive Act, 1861 — Inspection of Bridges**

Question, Mr. Howard ; Answer, Mr. Bruce June 20, [216] 1228

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*Locomotives on Roads*

Select Committee appointed, "to inquire into the effect of the use of Locomotive Engines on Turnpike and other Public Roads, and as to the limitations and restrictions which ought to be imposed by Law on their use upon such roads for securing the public safety and protecting the public interests" (*Mr. Cawley*) April 29

And, on May 6, Committee nominated as follows:—*Mr. Cawley* (Chairman), *Mr. Ashton*, *Mr. Biddulph*, *Lord George Cavendish*, *Mr. Wilbraham Egerton*, *Mr. Fordyce*, *Mr. Greville-Nugent*, *Mr. Hibbert*, *Mr. Hick*, *Mr. Holt*, *Mr. James Howard*, *Mr. Hurst*, *Sir George Jenkinson*, *Mr. Frederick Stanley*, and *Mr. William Wells*

Report of Select Committee July 18 No. 312

*Locomotives on Roads Bill*

(*Mr. Cawley*, *Mr. Wykham Martin*, *Mr. Frederick Stanley*, *Mr. Hick*, *Mr. Pender*)

c. Ordered; read 1<sup>o</sup> Mar 4 [Bill 88]  
 Moved, "That the Bill be now read 2<sup>o</sup>" April 23, [215] 883

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Gregory*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. and Motion withdrawn; Bill withdrawn

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c. Ordered \* Mar 26  
Read 1<sup>o</sup> \* Mar 27  
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Read 3<sup>o</sup> \* April 3
- Marine Mutiny Bill—cont.**  
l. Read 1<sup>o</sup> \* (Earl of Camperdown) April 3  
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- Marriage with a Deceased Wife's Sister Bill**  
(Sir Thomas Chambers, Mr. Morley, Mr. Leith)  
c. Ordered; read 1<sup>o</sup> \* Feb 7 [Bill 15]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
[214] Feb 12, 299  
Amendt. to leave out "now," and add "upon this day six months" (Mr. Beresford Hope); after debate, Question put, "That 'now,' &c.;" A. 126, N. 87; M. 39  
Main Question put, and agreed to; Bill read 2<sup>o</sup> Committee; Report, after short debate Feb 17, 575  
Moved, "That the Bill be now read 3<sup>o</sup>"  
Feb 20, 753  
Amendt. to leave out "now," and add "upon this day six months" (Mr. Collins); Question put, "That 'now,' &c.;" A. 98, N. 54; M. 44  
Main Question put, and agreed to; Bill read 3<sup>o</sup>  
l. Read 1<sup>o</sup> \* (Lord Houghton) Feb 21 (No. 21)  
Moved, "That the Bill be now read 2<sup>o</sup>" Mar 13, 1870  
Amendt. to leave out ("now,") and insert ("this day six months") (The Earl Beauchamp); after long debate, on Question, That ("now,") &c.? Cont. 49, Not-Cont. 74; M. 25  
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- Marriages (Ireland) Bill (Mr. Pim, Mr. Heygate, Sir Rowland Blennerhassett)**  
c. Ordered; read 1<sup>o</sup> \* Feb 17 [Bill 68]  
Read 2<sup>o</sup> \* Mar 3  
Committee \*; Report Mar 5  
Read 3<sup>o</sup> \* Mar 19  
l. Read 1<sup>o</sup> \* (Viscount Middleton) Mar 11 (No. 40)  
Bill read 2<sup>o</sup>, after debate Mar 26, [215] 91  
Committee April 24, 891  
Report \* April 29 (No. 75)  
Read 3<sup>o</sup> \* May 3  
Royal Assent May 15 [36 Vict. c. 16]
- Marriages (Ireland) Legalization Bill [H.L.]**  
(The Marquess of Clarendon)  
l. Presented; read 1<sup>o</sup> \* May 6 (No. 94)  
Bill read 2<sup>o</sup>, after short debate June 30, [216] 1550

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**Marriages Legalization, St. John's Chapel,**  
 Eton, Bill [H.L.]

(*The Lord Bishop of Oxford*)

- a. Presented; read 1<sup>o</sup> May 8 (No. 99)  
 Read 2<sup>o</sup> May 19  
 Committee \*; Report May 20  
 Read 3<sup>o</sup> May 23  
 c. Read 1<sup>o</sup> May 27 [Bill 179]  
 Read 2<sup>o</sup> June 5  
 Committee \*; Report June 6  
 Read 3<sup>o</sup> June 9  
 Royal Assent June 18 [36 Vict. c. 28]

**Married Women's Property Act (1870)**  
**Amendment Bill**

(*Mr. Hinde Palmer, Mr. Amphlett, Mr. Osborne Morgan, Mr. Jacob Bright*)

- c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 7]  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
 Feb 19, [214] 687  
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Gregory*); after debate, Question put, "That 'now,' &c.;"  
 A. 124, N. 103; M. 21  
 Main Question put, and agreed to; Bill read 2<sup>o</sup>  
 Committee \*—R.P. Mar 28  
 Committee \*—R.P. April 25  
 Moved, "That the House do now go into Committee upon the said Bill" May 2, [215] 1459 [House counted out]  
 Committee \*—R.P. May 5  
 Committee \*; Report June 26 [Bill 260]  
 Considered [Dropped]

**Married Women's Property Act (1870)**  
**Amendment (No. 2) Bill**

(*Mr. Staveley Hill, Mr. Raikes, Mr. Goldney*)

- c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 24]  
 Bill read 2<sup>o</sup>, after short debate Feb 12, [214] 328  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" Mar 4, 1864  
 Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Hinde Palmer*); Question proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Colonel Barttelot*); Motion agreed to; Debate adjourned  
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**MARTIN, Mr. J., Meath**

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**Masters and Servants—Wages Bill—The Truck System**

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**Matrimonial Causes Acts Amendment Bill**  
 (Mr. Attorney General, Mr. Solicitor General)

- c. Ordered; read 1<sup>o</sup> Mar 26 [Bill 101]  
 Read 2<sup>o</sup> Mar 31  
 Committee \*; Report May 8  
 Read 3<sup>o</sup> May 9  
 d. Read 1<sup>o</sup> (*The Lord Chancellor*) May 12  
 Read 2<sup>o</sup> June 9 (No. 105)  
 Committee \*; Report June 10  
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- 216] Supreme Court of Judicature, 2R. 676, 681; Comm. 1681; cl. 5, 1638; cl. 6, 1642; Amendt. 1742; Amendt. 1743; cl. 8, Amendt. 1747; cl. 12, Amendt. 1748; cl. 22, Amendt. 1798; cl. 29, Amendt. 1886  
 217] cl. 45, Amendt. 44; cl. 50, Amendt. 49; cl. 54, 178, Amendt. 179, 181; cl. 60, 185; cl. 61, Amendt. 186; cl. 75, 217, 218; cl. 78, Amendt. 219, 220; cl. 79, Amendt. 223; add. cl. 339; Schedule 1, 343; Amendt. 345

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Ecclesiastical Establishments, Question, Major Arbutnott; Answer, Mr. Knatchbull-Hugessen June 16, [216] 999; July 21, [217] 658

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**Medical Act Amendment (University of London) Bill**

(*Sir John Lubbock, Mr. Chancellor of the Exchequer, Sir Philip Egerton, Mr. Robert Fowler*)  
 c. Ordered; read 1<sup>st</sup> July 7. [Bill 224]  
 Read 2<sup>nd</sup> July 10  
 Committee\*; Report July 14.  
 Read 3<sup>rd</sup> July 16  
 l. Read 1<sup>st</sup> (Earl Granville) July 17 (No. 214)  
 Read 2<sup>nd</sup> July 22  
 Committee\*; Report July 24.  
 Read 3<sup>rd</sup> July 25  
 Royal Assent July 28 [36 & 37 Vict. c. 55]

**Medical Act (1858) Amendment Bill**

(*Mr. Headlam, Sir Henry Selwin-Ibbetson*)  
 c. Ordered; read 1<sup>st</sup> April 7 [Bill 127]  
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**MELLOR, Mr. T. W., Ashton-under-Lyne**  
 Army Estimates—Provisions, Forage, &c. [216] 1259  
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**MELVILLE, Mr. G., Stoke-upon-Trent**

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**Mercantile Marine**

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 Danger Signals (*Admiral Sir W. H. Hoyle*), Question, Mr. Ilisbury-Tracy; Answer, Mr. Chichester Fortescue June 10, [216] 723  
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**Mercantile Marine—cont.**

Light at Portpatrick Harbour, Question, Mr. Agnew; Answer, Mr. Chichester Fortescue Mar 24, [215] 8

Loss of Life at Sea, Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue Feb 17, [214] 642

*Merchant Shipping Code Bill*, Question, Mr. Corrane; Answer, Mr. Chichester Fortescue Mar 6, [214] 1897

The Lifeboat at Balbriggan, Question, Mr. Hambro; Answer, Mr. Chichester Fortescue April 24, [215] 900

*The Merchant Service—Supply of Seamen*, Question, Mr. Norwood; Answer, Mr. Chichester Fortescue Feb 18, [214] 872

The Straits of Magellan, Question, Sir James Elphinstone; Answer, Mr. Goschen Feb 28, [214] 1098; Question, Mr. Muntz; Answer, Mr. Goschen April 4, [215] 605

**Mercantile Marine—Lights in the Channel**

Amendt. on Committee of Supply May 9, To leave out from "That," and add "it is expedient that fog signals, either steam whistles or guns, or both, be added to the lights on the Skerries Island, the Codling Bank, and the Tuskar Rock, and that the lights on the Codling Bank be improved; also that a Royal Commission be appointed to inquire into the whole subject of fog signals before the desultory establishment of signals at various points makes it difficult to apply a proper system for the whole of our coasts" (*Mr. Eastwick*) v., [215] 1721; Question proposed, "That the words, &c.," after debate, Question put, and agreed to

**Mercantile Marine—Loss of Life at Sea**

Moved, "That it is expedient that a Commission be appointed to inquire and report to the Board of Trade as to the practicability of stowing conveniently in Passenger Ships such a number of Refuge Boats or Rafts, or other insubmergible appliances, as may be sufficient in their aggregate capacity to receive all on board in the event of accidents to the ship" (*Mr. Cowper-Temple*) July 18, [217] 619 [House counted out]

**Mercantile Marine—Unseaworthy Ships**

Moved, "That an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into the condition of, and certain practices connected with, the Commercial Marine of the United Kingdom" (*Mr. Plimsoll*) Mar 4, [214] 1819

Amendt. to leave out "an humble Address be presented to Her Majesty, praying that She will be pleased to issue a Royal Commission to inquire into," and insert "it is desirable that a Bill be forthwith introduced into this House by Her Majesty's Government for the purpose of constituting a Commission to inquire into upon oath and report upon" (*Mr. Clay*) v., 1894; Question proposed, "That the words, &c.," after long debate, Amendt. and Motion withdrawn

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*Mercantile Marine—Unseaworthy Ships—cont.*

*Loss of Life at Sea—Unseaworthy Ships—Issue of a Royal Commission, Question, Observations, The Earl of Lauderdale; Reply, Earl Cowper; short debate thereon Mar 25, [215] 94; Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue Mar 28, 208; Question, Mr. T. E. Smith; Answer, Mr. Chichester Fortescue April 28, 1024; Question, Sir James Elphinstone; Answer, Mr. Chichester Fortescue May 20, [216] 187; Question, Mr. Alderman Lusk; Answer, Mr. Chichester Fortescue July 10, [217] 147; —*Mr. Plimsoll and the Board of Trade*, Question, Sir Stafford Northcote; Answer Mr. Chichester Fortescue July 10, [217] 161; Question, Mr. Slater-Booth; Answer, Mr. Chichester Fortescue July 28, 1094*

*Merchant Shipping Act*

*The "Northfleet" Collision—Release of the "Murillo,"* Question, Mr. T. E. Smith; Answer, Viscount Enfield Feb 18, [214] 600; Feb 20, 728; Mar 31, [215] 343  
*The "Sea Queen,"* Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue April 7, [215] 637  
*The Steamship "Peru,"* Question, Mr. Hambro; Answer, Mr. Bruce Feb 28, [214] 1099; Questions deferred, Mr. Hambro; Observations, Mr. Chichester Fortescue, Mr. Bruce Mar 3, 1184; Questions, Mr. Hambro, Sir John Pakington; Answers, Mr. Bruce Mar 6, 1394

*Merchant Shipping Act, 1871*

*Cardiff Magistrates—Mr. Plimsoll,* Question, Mr. Hussey Vivian; Answer, Mr. Bruce May 8, [215] 1682; Question, Mr. Carter; Answer, Mr. Chichester Fortescue May 9, 1714; Explanation, Mr. Bruce May 12, 1784  
*Case of the "Maggie,"* Question, Mr. R. W. Duff; Answer, Mr. Chichester Fortescue Mar 28, [215] 209; Question, Mr. Macfie; Answer, Mr. Winterbotham April 7, 649  
*Collision between the "C. M. Palmer" and "Larnax,"* Question, Mr. Montagu Chambers; Answer, Mr. Chichester Fortescue April 22, [215] 800  
*Commitments of Seamen—Return,* Question, Mr. Plimsoll; Answer, Mr. Bruce June 6, [216] 551  
*Draught of Sea-going Vessels,* Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue June 17, [216] 1061  
*Merchant Shipping Act Amendment—Legislation—Deck Loads,* Question, Mr. Alderman Lusk; Answer, Mr. Chichester Fortescue June 5, [216] 515  
*Overloading—The "Westdale,"* Question, Mr. Carter; Answer, Mr. Chichester Fortescue June 27, [216] 1496  
*Punishment of Sailors—The Ship "Wimbleton,"* Questions, Mr. Gilpin, Mr. Carter; Answers, Mr. Bruce June 16, [216] 992  
*The "Druid,"* Question, Mr. Hambro; Answer, Mr. Chichester Fortescue Mar 27, [215] 228; Question, Mr. Carter; Answer, Mr. Bruce June 27, [216] 1497

*Merchant Shipping Act, 1871—cont.*

*The "Eleanor"—Mr. Plimsoll and the Board of Trade,* Question, Mr. Plimsoll; Answer, Mr. Chichester Fortescue April 7, [215] 639; Question, Mr. T. E. Smith; Answer, Mr. Chichester Fortescue June 26, [216] 1416  
*The "Hindoo" and "Parga,"* Questions, Mr. Plimsoll, Sir John Pakington; Answers, Mr. Chichester Fortescue Mar 24, [215] 10  
*The "Knight Templar"—Explanation, Question, Mr. Rathbone; Answer, Mr. Chichester Fortescue Mar 27, [215] 225  
*The "Parga,"* Question, Mr. T. E. Smith; Answer, Mr. Chichester Fortescue May 1, [215] 1297  
*The Thames Pilots,* Question, Colonel Beresford; Answer, Mr. Chichester Fortescue July 7, [216] 1860  
 215] *Unseaworthy Ships,* Questions, Mr. Kavanagh, Mr. R. W. Duff, Mr. Hambro, Mr. Liddell; Answers, Mr. Chichester Fortescue, Mr. Bruce Mar 25, 102; Questions, Mr. Carter; Answers, Mr. Chichester Fortescue 217] July 14, 316; —*The "William," of Exeter,* Questions, Mr. Gilpin; Answers, Mr. Chichester Fortescue July 24, 901  
*Wreck of the "Atlantic,"* Question, Mr. Crawford; Answer, Mr. Chichester Fortescue April 7, [215] 647; Question, Sir John Pakington; Answer, Mr. Chichester Fortescue April 26, 973*

*Merchant Shipping Act—Rules of the Road at Sea*

Moved, "That, in the opinion of this House, other regulations are required, with a view to the better avoidance of the annual great loss of life and of property which is caused by the want of more stringent regulations on the subject" (*Mr. Bentinck*) Mar 27, [215] 248; after debate, Question put, and negatived

*Merchant Shipping Acts Amendment Bill* (*Mr. Bonham-Carter, Mr. Chichester Fortescue, Mr. Arthur Peel*)

- c. Considered in Committee; Bill ordered; read 1<sup>o</sup>, after short debate May 13, [215] 1981 [Bill 182]
- Bill read 2<sup>o</sup>, after short debate July 21, [217] 690; Committee; Report Committee (on re-comm.)—B.P. July 25, 1023; Report [Bill 253]
- Considered \*; read 3<sup>o</sup> July 28
- l. Read 1<sup>o</sup>\* (*The Earl Cowper*) July 29 (No. 254) Bill read 2<sup>o</sup>, after short debate July 31, 1818 Committee \* August 1 (No. 269)
- Report \*; read 3<sup>o</sup> August 2 Royal Assent August 5 [36 & 37 Vict. c. 85]

*Metalliferous Mines Rating Bill*

(*Sir John St. Aubyn, Mr. Brydges Willyams, Mr. Arthur P. Vivian, Mr. Pease*)

- c. Ordered; read 1<sup>o</sup>\* April 7 [Bill 128]
- 2R. [Dropped]

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*Central London Sick Asylum*, Question, Mr. Gathorne Hardy; Answer, Mr. Hibbert May 1, [215] 1295  
*Chapter House, Westminster Abbey*, Question, Mr. Baillie Cochran; Answer, Mr. Gladstone June 27, [216] 1496  
*Fires—Water Supply*, Question, Mr. W. Lowther; Answer, Mr. Stansfeld July 24, [217] 903  
*Hackney Carriages—Authorized Book of Cab Fares—Railway Stations*, Question, Mr. W. Lowther; Answer, Mr. Bruce July 24, [217] 902;—*Cabmen's Plates*, Question, Lord George Hamilton; Answer, Mr. Bruce Feb 18, [214] 598  
*Hampton Court Green*, Question, Sir Charles W. Dilke; Answer, Mr. Ayrton Mar 24, [215] 8  
*Knightsbridge Barracks, Millbank, and Hyde Park*, Question, Sir Thomas Bateson; Answer, Mr. Cardwell July 31, [217] 1829  
*Metropolitan Police—Legal Advice*, Question, Mr. Stapleton; Answer, Mr. Bruce Feb 14, [214] 487;—*Lighting of Cells*, Question, Mr. R. N. Fowler; Answer, Mr. Bruce July 28, [217] 1088  
*National Gallery—Flooring of the New Buildings*, Question, Mr. Bowring; Answer, Mr. Ayrton June 19, [216] 2170  
*New Courts of Justice*, Question, Mr. Gregory; Answer, Mr. Ayrton Feb 10, [214] 196; Observations, Mr. Gregory; Reply, Mr. Ayrton; debate thereon May 28, [216] 398;—*The Revised Designs*, Questions, Mr. Wait; Answers, Mr. Ayrton July 15, [217] 398  
*Parliament Street—The Public Offices*, Question, Mr. A. Johnston; Answer, Mr. Ayrton July 17, [217] 495; Questions, Lord Redesdale; Answers, The Duke of St. Albans, The Earl of Kimberley August 1, 1428  
*Science and Art—Natural History Museum*, Question, Mr. Slater-Booth; Answer, Mr. Ayrton Feb 18, [214] 595; Questions, Major Beaumont; Answers, Mr. Ayrton July 29, [217] 1174; July 30, 1865; Question, Lord Elcho; Answer, Mr. W. E. Forster August 1, 1436; Question, Mr. Mundella; Answer, Mr. Gladstone August 4, 1519; Question, Mr. Goldsmid; Answer, Mr. W. E. Forster August 5, 1560  
*Small-Pox Hospital at Hatcham*, Question, Mr. Watney; Answer, Mr. Stansfeld July 21, [217] 859  
*South Kensington and Bethnal Green Museums*—*Bethnal Green Museum—The Turner Drawings*, Questions, Mr. Charles Reed; Answers, Mr. Baxter, Mr. W. E. Forster Mar 4, [214] 1283;—*The Site*, Question, Mr. Wheelhouse; Answer, Mr. Ayrton July 18, [217] 607;—*Retirement of Mr. Cole*, Question, Sir Henry Hoare; Answer, Mr. Ayrton July 10, [217] 152;—*The British Museum and South Kensington*, Question, Mr. Mundella; Answer, Mr. Gladstone July 24, [217] 914;—*Duplicate Books*, Question, Mr. Baines; Answer, Mr. Spencer Walpole July 29, [217] 1178;—*Royal Academy—The Gibson Bequest*, Question, Mr. C. S. Parker; Answer, Mr. Ayrton July 17, [217] 493

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*Street Traffic Regulation*, Question, Mr. Herbert; Answer, Mr. Ayrton May 27, [216] 498; Questions, Mr. Liddell, Viscount Mahon; Answers, Mr. Bruce June 16, 994  
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*Hyde Park—The Regulations*, Question, Mr. Collins; Answer, Mr. Bruce June 9, [216] 840;—*The Serpentine*, Question, Mr. F. S. Powell; Answer, Mr. Ayrton Feb 18, [214] 601;—*Bathing in the*, Question, Sir Thomas Chambers; Answer, Mr. Ayrton July 30, [217] 1254  
*The Green Park*, Question, Mr. Brady; Answer, Mr. Ayrton April 29, [215] 1137  
*Kensington Gardens*, Question, Sir Henry Hoare; Answer, Mr. Bruce June 30, [216] 1554  
*Parks Regulation Act—Hyde Park—The New Rules*—See that title  
*The Price of Gas*, Question, Sir Charles W. Dilke; Answer, Mr. Chichester Fortescue Mar 27, [215] 221  
*The Thames Embankment*, Question, Mr. J. G. Talbot; Answer, Colonel Hogg May 27, [216] 502  
[See title *Charing Cross and Victoria Embankment Approach Bill*]  
*The Wellington Monument*, Question, Mr. Goldsmid; Answer, The Chancellor of the Exchequer July 14, [217] 308 (*Part. P. No. 335*)  
*Metropolis Buildings Act Amendment Bill* (*Dr. Brewer, Mr. W. M. Torrens, Mr. M'Arthur, Mr. Locke*)  
c. Ordered; read 1<sup>st</sup> Feb 12 [Bill 54]  
Moved, "That the Bill be now read 2<sup>nd</sup>" April 2, [215] 488  
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Francois Powell*); Question proposed, "That 'now,' &c.;" after debate, Amendt. and Motion withdrawn; Bill withdrawn  
*Metropolis Water Act (1871)*  
Question, Mr. Agar-Ellis; Answer, Mr. Stansfeld June 9, [216] 636  
*Metropolitan Board of Works*  
*Thanksgiving in the Metropolitan Cathedral*, Question, Mr. Bowring; Answer, Colonel Hogg Mar 4, [214] 1285  
*Metropolitan Commons Supplemental Bill* (*Mr. Winterbotham, Mr. Secretary Bruce*)  
c. Ordered; read 1<sup>st</sup> Mar 27 [Bill 107]  
Read 2<sup>nd</sup> Mar 31  
Referred to Select Committee\* April 21  
Report of Select Comm.\* May 6 [Bill 153]  
Committee\* (on re-comm.); Report May 9  
Read 3<sup>rd</sup> May 12  
l. Read 1<sup>st</sup> (E. of Morley) May 18 (No. 110)  
Read 2<sup>nd</sup> May 23  
Committee\*; Report June 23  
Read 3<sup>rd</sup> June 26  
Royal Assent July 7 [36 & 37 Vict. c. 86]

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**Metropolitan Tramways Provisional Orders Bill**

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

- c. Ordered; read 1<sup>o</sup> Feb 20 [Bill 76]  
 Read 2<sup>o</sup>, and referred to a Select Committee Mar 7

Order [7th March] read, and discharged

Select Committee appointed, "to consider the schemes contained in the Metropolitan Tramways Provisional Orders Bill of this Session, and to report whether, in their opinion, it is desirable that all or any of the proposed lines of Tramways should be constructed within the Metropolitan area under the jurisdiction respectively of the Corporation of the City of London and the Metropolitan Board of Works" (*Mr. Arthur Peel*) Mar 24

And, on May 28, Committee nominated as follows:—Sir Francis Goldsmid (Chairman), Mr. A. Egerton, Mr. J. S. Hardy, Sir Wilfrid Lawson, Mr. Locke, Sir John St. Aubyn, and Mr. Salter-Booth; April 30, Sir Francis Goldsmid (Chairman) disch., Lord Henley (Chairman) added

Report of Select Comm. \* May 22 (No. 222)  
 Bill reported \* May 22 [Bill 173]

Re-comm. \*; Report May 26

Read 3<sup>o</sup> \* May 27

- i. Read 1<sup>o</sup> \* (*Earl Cowper*) June 9 (No. 139)  
 Read 2<sup>o</sup> \*, and committed June 17  
 And, on June 27, the Lords following were appointed:—D. Buckingham (Chairman), M. Winchester, L. Eliot, L. Leigh, L. Hylton  
 Special Report from Select Committee July 21 [No. 228]  
 Bill reported \* July 21 (No. 229)  
 Committee \* July 28  
 Report \* July 29  
 Read 3<sup>o</sup> \* July 31  
 Royal Assent August 5 [36 & 37 Vict. c. coxx.]

**Metropolitan Tramways Provisional Orders (No. 2) Bill**

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

- c. Ordered; read 1<sup>o</sup> Feb 20 [Bill 77]  
 Read 2<sup>o</sup> \*, and referred to a Select Committee Mar 7

Order [7th March] read, and discharged May 9

Committee \*; Report May 12

Read 3<sup>o</sup> \* May 13

- i. Read 1<sup>o</sup> \* (*Earl Cowper*) May 13 (No. 114)  
 Read 2<sup>o</sup> \* May 26  
 Committee \* May 27  
 Report \* June 9  
 Read 3<sup>o</sup> \* June 16  
 Royal Assent July 7 [36 & 37 Vict. c. 85]

**Mexico—Diplomatic Relations**

Question, Mr. H. B. Sheridan; Answer, Viscount Enfield August 5, [217] 1563

**MIALL, Mr. E., Bradford**

\*Disestablishment of the Churches of England and Scotland, Res. [216] 16

Endowed Schools Act (1869), Motion for a Committee, [214] 292

France—Treaty of Commerce (1872), [216] 1783

University Education (Ireland), 2R. Amendt. [214] 1688

**MIDDLETON, Viscount**

Chelsea Water, 2R. [214] 1019  
 Church Association—Confession, Motion for a Select Committee, [217] 289  
 Marriages (Ireland), 2R. [215] 91; Comm. 892  
 Rock of Cashel, 2R. Amendt. [216] 421  
 Supreme Court of Judicature, Commons Amendments. [217] 890

**Military Manœuvres Bill**

(*Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell-Bannerman*)

- c. Ordered; read 1<sup>o</sup> \* June 30 [Bill 215]  
 Read 2<sup>o</sup> \* July 7  
 Committee \*—r.p. July 8  
 Committee \*; Report July 10  
 Committee \*; Report July 11  
 Considered \* July 14  
 Read 3<sup>o</sup> \* July 15  
 i. Read 1<sup>o</sup> \* (*Marquess of Lansdowne*) July 17  
 Read 2<sup>o</sup> \* July 22 (No. 216)  
 Committee \*; Report July 24  
 Read 3<sup>o</sup> \* July 25  
 Royal Assent July 28 [36 & 37 Vict. c. 58]

**Militia Pay Acts Amendment Bill**

(*Mr. Campbell-Bannerman, Mr. Secretary Cardwell*)

- c. Ordered; read 1<sup>o</sup> \* July 30 [Bill 373]  
 Read 2<sup>o</sup> \* July 31  
 Committee \*; Report; Considered; read 3<sup>o</sup> August 1  
 i. Read 1<sup>o</sup> \* (*E. Camperdown*) August 1 (No. 271)  
 Read 2<sup>o</sup> \*; Committee negatived August 2  
 Read 3<sup>o</sup> \* August 4  
 Royal Assent August 5 [36 & 37 Vict. c. 84]

**Militia (Service, &c.) Bill**

(*Mr. Secretary Cardwell, Sir Henry Storks, Mr. Campbell-Bannerman*)

- c. Ordered; read 1<sup>o</sup> \* June 30 [Bill 216]  
 Read 2<sup>o</sup> \* July 8  
 Committee \*; Report July 7  
 Considered \* July 8  
 Read 3<sup>o</sup> \* July 10  
 i. Read 1<sup>o</sup> \* (*M. of Lansdowne*) July 11 (No. 208)  
 Bill read 2<sup>o</sup>, after short debate July 15, [217] 390  
 Committee \* July 24 (No. 287)  
 Report \* July 25  
 Read 3<sup>o</sup> \* July 28  
 Royal Assent August 5 [36 & 37 Vict. c. 68]

**MILLER, Mr. J., Edinburgh City**

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**Mine Dues Bill**

(*Mr. Lopez, Mr. Gregory*)

- c. Ordered; read 1<sup>o</sup> Feb 10 [Bill 44]  
2R. [Dropped]

**Mines—Appointment of Assistant Inspectors of**

Question, Mr. Liddell; Answer, Mr. Bruce  
Feb 18, [214] 599

**Minors Protection Bill**

(*Mr. Mitchell Henry, Mr. Headlam, Mr. Butt,  
Mr. Scowfield, Mr. Charles Gilpin*)  
c. Ordered; read 1<sup>o</sup> Feb 18 [Bill 69]  
2R., debate adjourned June 25, [216] 1374  
Bill withdrawn \* July 7

**MINTO, Earl of**

Constabulary (Scotland) Superannuation, [215]  
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**Monastic and Conventual Institutions**

Bill (*Mr. Newdegate, Mr. Holt, Sir Thomas  
Chambers*)

- c. Motion for Leave (*Mr. Newdegate*) Feb 14, [214] 520; after short debate, Question put; A. 74, N. 31; M. 48; Bill ordered; read 1<sup>o</sup> A. 74, N. 31; M. 48; Bill ordered; read 1<sup>o</sup> Moved, "That the Bill be now read 2<sup>o</sup>" July 2, [216] 1650 [Bill 62]  
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Pease*); Question proposed, "That 'now,' &c.;" after debate, Question put; A. 96, N. 131; M. 35  
Words added; main Question, as amended, put, and agreed to; Bill put off for three months  
Personal Explanation, Mr. Whalley July 4, 1788

**MONCK, Viscount**

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**MONCKTON, Mr. F., Staffordshire, W.**  
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- [217] cl. 50, 47; cl. 54, 177; cl. 73, 187; Schedule, Sec. 1, 343; Schedule, Sec. 2, Amendt. 344; Consid. cl. 22, 680
- University Education (Ireland), 2R. Amendt. [214] 1228
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- Burials, 2R. [215] 193
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MOWBRAY, Right Hon. J. R., *Oxford University*

- Army—Military Centres—Oxford, Motion for a Committee, [216] 361
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- Agricultural Children, 2R. [214] 700, 701; 3R. Amendt. [215] 1708
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- Parliament—Order of Business, [216] 841
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- Seduction Laws Amendment, 2R. [215] 475
- Supply—British Museum, [215] 1795
- Post Office Services, [217] 1115
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**Municipal Boroughs Extension Bill**  
(*Mr. Henry Sampson, Mr. Wykeham Martin,  
Mr. Staveley Hill*)

- c. Ordered; read 1<sup>o</sup> Feb 11 [Bill 48]  
Moved, "That the Order for 2<sup>o</sup> be discharged"  
July 9, [217] 120  
After short debate, Moved, "That the debate  
be now adjourned" (*Mr. Robert Fowler*);  
after further short debate, Motion agreed to  
Moved, "That the debate be adjourned till  
this day three months" (*Mr. Henry Sampson*); Question put; A. 185, N. 91; M. 94

**Municipal Corporation (Borough Funds)  
Bill**

- (*Mr. Secretary Bruce, Mr. Winterbotham*)  
c. Question, Mr. Rathbone; Answer, Mr. Bruce  
Mar 25, [215] 105  
Ordered; read 1<sup>o</sup> June 9 [Bill 186]  
Bill withdrawn \* July 23

**Municipal Corporations Act—The Devonport Watch Committee**

Question, Sir Wilfrid Lawson; Answer, Mr.  
Bruce May 12, [215] 1783

**Municipal Corporations Evidence Bill**  
(*Mr. Hinde Palmer, Mr. Watkin Williams*)

- c. Ordered; read 1<sup>o</sup> May 7 [Bill 155]  
Read 2<sup>o</sup> May 14  
Committee \*; Report May 21  
Read 3<sup>o</sup> May 23  
l. Read 1<sup>o</sup> (*Lord Romilly*) May 26 (No. 129)  
Read 2<sup>o</sup> June 13  
Committee \*; Report June 16  
Read 3<sup>o</sup> June 17  
Royal Assent July 7 [36 & 37 Vict. c. 38]

**Municipal Elections (Cumulative Vote)  
Bill** (*Mr. Collins, Mr. Morrison*)

- c. Motion for Leave (*Mr. Collins*) June 26, [216]  
1465; Bill ordered; read 1<sup>o</sup> [Bill 206]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
July 16, [217] 489  
Amendt. to leave out "now," and add "upon  
this day three months" (*Mr. Hardcastle*);  
Question proposed, "That 'now,' &c.,"  
after debate, Debate adjourned  
Bill withdrawn \* August 4

**Municipal Franchise (Ireland) Bill**  
(*Mr. Butt, Mr. Patrick Smyth*)

- c. Ordered; read 1<sup>o</sup> Feb 16 [Bill 73]  
Bill read 2<sup>o</sup>, after short debate April 28, [215]  
889  
Committee [Dropped]

**Municipal Officers Superannuation Bill**  
(*Mr. Rathbone, Mr. Massey, Mr. Birley, Mr.  
Dixon, Mr. Morley, Mr. Cross*)

- c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 6]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
Mar 5, [214] 1866  
Amendt. to leave out "now," and add "upon  
this day six months" (*Mr. Joshua Fielden*);  
after debate, Question put, "That 'now,'  
&c.;" A. 101, N. 44; M. 57

**Municipal Officers Superannuation Bill**—cont.  
Main Question put, and agreed to; Bill read 2<sup>o</sup>  
Committee \*—R.P. April 29  
Committee \*—R.P. May 13  
Bill withdrawn \* July 21

**Municipal Privileges (Ireland) Bill**  
(*Mr. Butt, Mr. Patrick Smyth*)

- c. Ordered; read 1<sup>o</sup> Feb 19 [Bill 74]  
2R. [Dropped]

**MUNSTER, Mr. W. F., Mallow**

Landlord and Tenant, 2R. [216] 1649  
Monastic and Conventual Institutions, 2R.  
[216] 1678, 1882  
Parliament—Order of Business, [216] 1312  
Parliament—Breach of Privilege—"Pall Mall  
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627  
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cl. 5, Amendt. [216] 517, 518; cl. 45, 534

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216] Rating (Liability and Value), 2R. 302; Comm.  
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Amendt. 1079, 1080, 1084; cl. 4, 1175,  
1183; cl. 13, Amendt. 1191, 1193; cl. 15,  
1425; add. cl. 1440, 1443

217] Re-comm. 614; 3R. 689  
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- c. Ordered \* Mar 3  
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 Read 2° \* Mar 24  
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 l. Read 1°\* (Marquess of Lansdowne) April 1  
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- (Mr. Baxter, Mr. Chancellor of the Exchequer)  
 c. Ordered ; read 1°\* June 23 [Bill 201]  
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 l. Read 1°\* (Marquess of Lansdowne) July 3  
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*The Royal Marines—Rank of Major*, Question, Sir John Hay; Answer, Mr. Goschen Feb 18, [214] 601;—*Captains of the Royal Marine Artillery*, Question, Mr. H. Samuelson; Answer, Mr. Goschen June 30, [216] 1555;—*Captains*, Question, Mr. Watney; Answer, Mr. Goschen July 31, [217] 1393; Question, Mr. H. Samuelson; Answer, Mr. Shaw Lefevre August 1, 1435

*The Trotman Anchor—Correspondence between Mr. Trotman and the Admiralty*, Question, Mr. G. Bentinck; Answer, Mr. Goschen June 6, [216] 546; Question, Lord Henry Scott; Answer, Mr. Goschen July 17, [217] 501

**Navy—Admiralty Administration**

Moved, "That this House, in order to remedy certain defects in the administration of the Admiralty, recommends the Government to take into consideration the propriety of administering that department by means of a Secretary of State; and further, of appointing to the offices of Controller and of Superintendent of Her Majesty's Dockyards persons who possess practical knowledge of the duties they have to discharge, and also of altering the rule which limits their tenure of office to a fixed term of years" (Mr. Seely) Feb 25, [214] 919

After short debate, Amendt. to leave out "Secretary of State," and insert "a Board of Admiralty with such modifications of constitution and procedure as experience has shown to be desirable" (Mr. Brassey) v., 943; Question proposed, "That the words, &c.;" after further debate, Amendt. withdrawn; original Question put; A. 18, N. 114; M. 101

**Navy (Promotion and Retirement)**

Moved, "That a Select Committee be appointed to consider the present system of Promotion and Retirement in the Royal Navy, and to report their opinion thereon to this House" (Sir John Hay) June 10, [216] 761

Amendt. to leave out from "consider," and add "how far Naval Officers on half-pay can be more generally employed in the Consular Service, and in the numerous appointments under the Marine Department of the Board of Trade" (Mr. Thomas Brassey) v., 782; Question proposed, "That the words, &c.;" after long debate, Question put; A. 64, N. 81; M. 17; words added; main Question, as amended, put, and agreed to; Select Committee appointed

[The Committee was not nominated]

**Navy—The Naval Reserve**

Amendt. on Committee of Supply April 3, To leave out from "That," and add "a Select Committee be appointed to inquire into the condition of the Naval Reserves" (Mr. Brassey) v., [215] 542; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

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- (Mr. Knatchbull-Hugessen, Mr. Baxter)
- c. Ordered; read 1<sup>st</sup> April 2 [Bill 116]
- Read 2<sup>nd</sup> April 7
- Committee; Report April 21
- Read 3<sup>rd</sup> April 22
- l. Read 1<sup>st</sup> (Earl of Kimberley) April 24
- Read 2<sup>nd</sup> April 28 (No. 76)
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- Occasional Sermons Bill**  
 (Mr. Couper-Temple, Mr. Thomas Hughes)  
 Considered in Committee; Bill ordered; read 1<sup>o</sup> Feb 7 [Bill 22]  
 Moved, "That the Bill be now read 2<sup>o</sup>" May 14, [215] 1962  
 Amendt. to leave out "now," and add "upon this day six months" (Mr. Collins); after debate, Question put, "That 'now,' &c." A. 58, N. 199; M. 146; words added; main Question, as amended, put, and agreed to; Bill put off for six months
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Moved that an humble Address be presented  
 to Her Majesty, praying that Her Majesty  
 would be pleased to take into her gracious  
 consideration the institution of an Order of  
 Merit by which Her Majesty would be en-  
 abled to bestow a sign of her royal approba-  
 tion upon men who have deserved well of  
 their country in science, literature, and art"  
 (The Earl Stanhope) June 27, [216] 1466;  
 after short debate, on Question first resolved in  
 the negative

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Land Forces, Motion for reporting Progress, [214] 881, 1094, 1123, 1124  
Military Education, [216] 1984  
Militia Pay and Allowances, [214] 1156  
Church of England—Sacramental Confession—Petition to Convocation, [217] 148

**PAKINGTON, Right Hon. Sir J. S.—cont.**

Commercial Marine, Motion for an Address, [214] 1330, 1849  
Contagious Diseases Acts Repeal, 2R. Amendt. [216] 234  
Endowed Schools Act (1869) Amendment, Comm. [217] 928  
Harbours of Refuge, Motion for a Committee, [215] 1419  
Mercantile Marine—"Atlantic," Wreck of the, [215] 973  
"Hindoo" and "Parga," [215] 11  
Merchant Seamen's Act—The "Peru," [214] 1395  
Navy Estimates—Men and Boys, [215] 87  
Parliament—Business of the House, [216] 1231, 1232  
Railway and Canal Traffic, Comm. cl. 21, [215] 387

**PALK, Sir L., Devonshire, E.**

Army—Cavalry Regiments, Honorary Colonels of, [216] 1168, 1623, 1709  
Chelsea Hospital Pensioners, [215] 927  
Parliament—Order of Business, [215] 926  
Theatre Regulation Act—"Happy Land," [214] 1611

**PALMER, Mr. J. Hinde, Lincoln City**

Conspiracy Law Amendment, Lords Amendt. [217] 1543  
Custody of Infants, Consid. add. cl. [214] 1513 ; cl. 3, Amendt. ib.  
Elementary Education Act (1870) Amendment, Consid. add. cl. [217] 959  
Endowed Schools Act (1869), Motion for a Committee, [214] 298  
Expiring Laws Continuance, Comm. [217] 1260 ; Amendt. 1261  
Juries, Comm. cl. 5, Amendt. [216] 516, 517  
Marriage with a Deceased Wife's Sister, 2R. [214] 827  
Married Women's Property Act (1870) Amendment, 2R. [214] 667, 689  
Married Women's Property Act (1870) Amendment (No. 2), 2R. [214] 329 ; Comm. Amendt. 1365  
Metropolis—New Courts of Justice, [216] 899  
Nitro Glycerine Act (1869), [216] 57  
Railway and Canal Traffic, 3R. [215] 1108  
Railway Regulation, Comm. [217] 1248  
Rating (Liability and Value), Comm. cl. 15, [216] 1429  
Supply—Court of Chancery, [215] 1773  
Natural History Museum, [215] 790  
Patent Office, [215] 1021  
216] Supreme Court of Judicature, 2R. 885, 865 ; Comm. cl. 5, 1892, 1680 ; cl. 6, 1745 ; cl. 13, 1750 ; cl. 22, 1798 ; cl. 24, 1806 ; cl. 29, 1883  
217] cl. 50, 47 ; cl. 54, 177, 181 ; cl. 75, Amendt. 190, 215 ; add. cl. 842 ; Schedule 1, 343 ; Consid. cl. 55, 682  
Workmen's Compensation for Injuries, [216] 514

**PARKER, Lieut.-Colonel W., Suffolk, W.**  
Magistracy—Leamington, [215] 100

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**PARKER, MR. C. S., Perthshire**

Hypotheo Abolition (Scotland), 2R. [216] 1370  
 Labourers Cottages (Scotland), 2R. [217] 475,  
 477  
 Royal Academy—The Gibson Bequest, [217]  
 403  
 Wild Birds Protection, Motion for a Committee,  
 Amendt. [215] 1189

**Parks Regulation Act—Hyde Park—The New Rules**

Notice, Mr. Bruce Feb 6, [214] 143  
 Copy of Substituted Rules under the Parks Regulation Act, presented; Moved, "That these Rules do lie upon the Table of the House" (Mr. Bruce) Feb 10, 189; after debate, Motion agreed to.  
 Rules and Regulations . . . P.P. 4, 9  
 Rules dated 28 July, 1872 . . . [683]  
 Rules dated 1 Oct., 1873 . . . [684]

**Parks Regulation Act—Meetings in the Parks**

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that rules be drawn up for the more effectual protection of Her Majesty's subjects while availing themselves of the privilege accorded them of using the Royal Parks for purposes of recreation by prohibiting the delivery of public addresses in such parks" (Mr. James Louther) Mar 27, [215] 260

Amendt. to leave out from "That," and add "this House approves of the Rules lately issued by Her Majesty's Government for the Regulation of the Royal Parks, and is of opinion that no alteration affecting the existing rights of public meeting therein should be made unless previously approved by Parliament" (Mr. Auberon Herbert) v., 271; Question proposed, "That the words, &c." after debate, Question put; A. 142, N. 46; M. 96; after further short debate, main Question put, and negatived

**Parliament**

**LORDS—**

214 Meeting of the PARLIAMENT Feb 6, 1.  
 The Session of PARLIAMENT opened by Commission

Her MAJESTY'S Most Gracious Speech delivered by The LORD CHANCELLOR Feb 6, 3  
 An ADDRESS to HER MAJESTY thereon moved by The Earl of CLARENCE (the Motion being seconded by The Lord MONTEAGLE), and, after debate, agreed to, Nemine Dissidente Feb 6, 7; Explanation, The Duke of Richmond Feb 7, 143

Her MAJESTY'S ANSWER to THE ADDRESS reported Feb 11, 276

ROLL OF THE LORDS—delivered, and ordered to lie on The Table Feb 6; The Lord Chancellor acquainted the House that the Clerk of the House had prepared and laid it on the Table; The same was ordered to be printed Feb 10 (No. 10)

**PARLIAMENT—LORDS—cont.**

Chairman of Committees—The Lord Redesdale appointed, Nemine Dissidente, to take the Chair in all Committees of this House for this Session Feb 6

Committee for Privileges—appointed Feb 6  
 Sub-Committee for the Journals—appointed Feb 6

Appeal Committee—appointed Feb 6

Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod—Select Committee appointed Feb 11, as follows:—Ld. Chancellor, Ld. President, Ld. Privy Seal, D. Richmond, D. Saint Albans, M. Lansdowne, M. Salisbury, M. Bath, E. Devon, E. Tankerville, E. Stanhope, E. Carnarvon, E. Malmesbury, E. Granville, E. Kimberley, Ld. Chamberlain, V. Hawarden, V. Eversley, Ld. Steward, L. Colville of Culross, L. Redesdale, L. Colchester, L. Skelmersdale, L. Aycland, and L. Cairns Report—Part I . . . No. 58

Privilege—The Appellate Jurisdiction of this House—Supreme Court of Judicature Bill, Observations, Earl Granville; Reply, Lord Cairns July 8, [217] 1; Observations, Lord Cairns; short debate thereon July 8, 10

**Private Bill Legislation**

Orders respecting Petitions Feb 7, [214] 143 (No. 9)

Private Bills—Standing Order Committee on, appointed Feb 17; The Lords following, with the Chairman of Committees, were named of the Committee:—Ld. President, Ld. Privy Seal, D. Somerset, M. Winchester, M. Lansdowne, M. Bath, M. Ailesbury, E. Devon, E. Airlie, E. Hardwicke, E. Carnarvon, E. Belmore, E. Romney, E. Chichester, E. Powis, E. Verulam, E. Morley, E. Stradbroke, E. Amherst, Ld. Chamberlain, V. Hawarden, V. Hardinge, V. Eversley, Ld. Steward, L. Camoys, L. Saye and Sele, L. Colville of Culross, L. Sondes, L. Digby, L. Sheffield, L. Colchester, L. Silchester, L. De Tabley, L. Skelmersdale, L. Portman, L. Belper, L. Ebury, L. Egerton, L. Hyton, and L. Penrhyn

Opposed Private Bills—The Lords following, viz.:—M. Lansdowne, Ld. Steward, L. Colville of Culross, and L. Skelmersdale were appointed, with the Chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill Feb 17

Orders—Ordered, That no Private Bill brought from the House of Commons shall be read a second time after Thursday the 19th day of June next [and other Orders] April 24, [215] 891

Gas Companies Bills—Price of Coal and Gas, Observations, Lord Redesdale; Reply, Earl Granville; short debate thereon May 5, [215] 1459

So much of the Standing Order of the 15th day of March 1859 which requires "that the Examiner shall give at least two clear days notice of the day on which any Bill shall be examined," and also section 9. of

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**PARLIAMENT—LORDS—cont.**

*Private Bill Legislation*—cont.

Standing Order No. 178, considered, and dispensed with for the remainder of the Session *June 12*  
Standing Orders 159, 176, 178, 179, 182, 184, 185, 186a, 189 and Schedule referred to in Standing Order 181 (scot. 1.), considered, and amended; and to be printed as amended (*The Chairman of Committees*) *August 4, [217] 1815*

*The Easter Recess*, Question, The Duke of Richmond; Answer, Earl Granville *Mar 25, [215] 91*; House adjourned on Friday, 4th April, to Monday, 21st April  
*The Whitsuntide Recess*—House adjourned on Monday, 26th May, to Monday, 9th June

*Palace of Westminster*

*The Frescoes in the Royal Gallery*, Question, Viscount Hardinge; Answer, The Duke of St. Albans *May 18, [215] 1869*

*The Peers' Gallery, House of Commons*, Observations, The Earl of Malmesbury; Reply, Earl Granville; short debate thereon *Mar 20, [214] 1922*

*The late Bishop of Winchester and the late Lord Westbury*, Observations, The Duke of Richmond *July 21, [217] 621*; Observations, Earl Granville; short debate thereon *July 22, 736*

*Business of the House*

Moved, That for the remainder of the Session the Bill or Bills which are entered for consideration on the Minutes of the day shall have the same precedence which Bills have on Tuesdays and Thursdays" (*The Lord Redesdale*) *July 28*; Motion agreed to

**PROBATION OF THE PARLIAMENT** *August 5*  
HER MAJESTY'S SPEECH delivered to both Houses by The LORD CHAMBERLAIN  
The Parliament prorogued to Wednesday, the 22nd day of October next

**COMMONS—**

**MEETING OF THE PARLIAMENT** *Feb 6*

- 214] The QUEEN'S SPEECH reported; An humble Address thereon moved by Mr. LYTTELTON (the Motion being seconded by Mr. STONE) *Feb 6, 67*; after debate, Motion agreed to; and a Committee appointed to draw up the said Address
- Committee nominated as follows:—Mr. Charles Lyttelton (Chairman), Mr. Adam, Mr. Secretary Bruce, Mr. Secretary Cardwell, Mr. Chancellor of the Exchequer, Mr. Secretary Childers, Mr. W. E. Forster, Mr. Chichester Fortescue, Mr. Gladstone, Mr. Glyn, Mr. Goschen, Mr. Knatchbull-Hugessen, Mr. Mansell, Mr. Stanfield, Mr. Stone, Sir Henry Storks, and Mr. Winterbotham
- Report of Address brought up, and read *Feb 7, 155*; after debate, Address agreed to; to be presented by Privy Councillors
- HER MAJESTY'S ANSWER TO THE ADDRESS reported *Feb 11, 281*

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**PARLIAMENT—COMMONS—cont.**

*Committee for Privileges*—appointed *Feb 6*

*Public Accounts*—Committee nominated *Feb 7*, as follows:—Mr. Solater-Booth (Chairman), Mr. Baxter, Mr. Candish, Lord Eustace Cecil, Mr. Crawford, Mr. Algernon Egerton, Mr. Goldney, Mr. Liddell, Mr. O'Reilly, Mr. Rylands, and Mr. Seely

*Kitchen and Refreshment Rooms (House of Commons)*—Standing Committee appointed and nominated *Feb 10*, as follows:—Colonel French (Chairman), Mr. Dalglish (Chairman) (appointed *July 11*, on Colonel French's death), Mr. Adam, Mr. Fitzwilliam Dick, Mr. Henry Edwards, Mr. Goldney, and Mr. Alderman Lawrence; *Feb 11*, Mr. Arthur Guest added; *April 8*, Mr. Staepole added; Mr. Onslow died; *June 13*, Mr. Dyke and Captain Greville added

*Public Petitions*—Select Committee appointed and nominated *Feb 10*, as follows:—Mr. C. Forster (Chairman), Mr. Cavendish Bentinck, Mr. Dimsdale, Major Gavin, Mr. William Ormeby Gore, Mr. A. Guest, Mr. Locke King, Mr. Kinnaird, Mr. McLagan, The O'Connor Don, Earl Percy, Lord Arthur Russell, Sir David Salomons, Mr. Owen Stanley, and Mr. Reginald Yorke

*Printing*—Select Committee appointed and nominated *Feb 11*, as follows:—Mr. Bonham-Carter, Mr. Secretary Cardwell, Mr. Dodson, Mr. Henley, Mr. Hunt, Sir Stafford Northcote, The O'Connor Don, Sir John Pakington, Mr. Solater-Booth, Mr. Stanfield, and Mr. Spencer Walpole

*Standing Orders*—Select Committee nominated *Feb 14*, as follows:—Colonel Wilson Patten (Chairman), Sir Edward Colebrooke, Viscount Crichton, Mr. Dent, Mr. Dodson, Mr. Henley, Mr. Charles Howard, Sir Graham Montgomery, The O'Connor Don, Mr. Scourfield, and Mr. Whitbread

*Selection*—Committee nominated *Feb 12*, as follows:—Colonel Wilson Patten (Chairman), Mr. Dodson, Sir Graham Montgomery, The O'Connor Don, Mr. Scourfield, and Mr. Whitbread

**Privilege**

*Breach of Privilege*—“*The Pall Mall Gazette*”—Mr. Munster having complained of a certain writing in *The Pall Mall Gazette* as reflecting on certain Members of this House, and delivering in a copy of the said journal, a paragraph was read therefrom.—Then it was Moved, “That the said article contains libellous reflections upon certain Members of this House in breach of the Privileges of this House” (*Mr. Munster*) *April 3, [215] 530*; after debate, Motion withdrawn

*Bradford Improvement Bill (Lords)* (by Order), Order for Second Reading read; Mr. Speaker informed the House that the Bill contained clauses which imposed a tax upon the people, and ought therefore to have been introduced into this House, and not into the other House of Parliament *May 8, [215] 1878*; after Explanation, Bill read 2<sup>d</sup>, and committed

*Public Petitions Committee*—*Informal Petitions*, Question, Colonel North; Answer, Mr. Gladstone *July 3, [216] 1707*

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**PARLIAMENT—COMMONS—cont.**

*The Appellate Jurisdiction of the House of Lords—Supreme Court of Judicature Bill, Explanation*, Mr. Gladstone July 10, [217] 154

[See title *Supreme Court of Judicature Bill*]

**Business of the House**

*Re-appointment of the Committee on Public Business*, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Gladstone Feb 7, [214] 151

*The Resolutions*, Question, Lord Echo; Answer, The Chancellor of the Exchequer Feb 10, [214] 199

*Tuesday Sittings*, Moved, "That the House do meet on Tuesdays at 2 p.m., and rise at 7 p.m." (*Lord John Manners*) Feb 11, [214] 283; after short debate, Motion withdrawn

*Ash Wednesday*, Moved, "That this House do meet To-morrow at Two of the clock" (*Mr. Gladstone*) Feb 25, [214] 901; after short debate, Question put; A. 222, N. 56; M. 168

*Order of Public Business*, Question, Mr. J. Lowther; Answer, Mr. Gladstone Mar 20, [214] 1948

*Public Business before Easter*, Observations, Mr. Gladstone Mar 24, [215] 7

*Juris (Ireland)—Precedence of Motions*, Question, Mr. Bruce; Answer, Mr. W. H. Smith Mar 25, [215] 111

*Order of Business—Navy Estimates*, Question, Lord Henry Lennox; Answer, Mr. Goschen Mar 27, [215] 225

*Public Business after Easter*, Question, Mr. Dixon; Answer, Mr. Gladstone April 7, [215] 634

*Public Business*, Observations, Mr. Gladstone April 29, [215] 1141; Questions, Mr. Bourke, Sir John Hay, Sir Stafford Northcote, Mr. Disraeli; Answers, Mr. Gladstone May 12, 1789

*Ascension Day*, Moved, "That Committees shall not sit on Thursday, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House" (*Mr. Gladstone*) May 20, [216] 171; after short debate, Question put; A. 181, N. 80—M. 101

*Morning Sittings*, Moved, "That, whenever the House shall meet at Two o'clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April, 1869" (*Mr. Gladstone*) May 26, [216] 435; after short debate, Motion agreed to

*Order of Business—Factory Acts Amendment Bill*, Questions, Mr. Mundella, Mr. D. Dalrymple; Answers, Mr. Gladstone June 12, [216] 841; Observations, Colonel Taylor, Mr. Bagwell, Mr. Munster; Reply, Mr. Gladstone June 24, 1811

*Education Act Amendment Bill*, Question, Mr. Dixon; Answer, Mr. Gladstone June 19, [216] 1172

*Arrangement of Business*, June 20, [216] 1230

*Arrival of the Shah of Persia*, Moved, "That this House do now adjourn" (*Mr. Collins*) June 18, [216] 1135; Question put, and negatived

**PARLIAMENT—COMMONS—cont.**

*Visit of the Shah*, Moved, "That this House do adjourn this day at the close of the Morning Sitting" (*Mr. Gladstone*) June 20, [216] 1230; after short debate, Motion agreed to

*Order of Business*, Observations, Mr. Gladstone July 11, [217] 213

*Private Bill Legislation*, Question, Mr. Dodson; Answer, Mr. Chichester Fortescue July 17, [217] 497

*Arrangement of Business before Prorogation*, Questions, Mr. Hermon, Mr. R. N. Fowler; Answers, Mr. Gladstone July 18, [217] 605

*Valuation Bill*, Questions, Mr. Assheton Cross, Mr. Vance; Answers, Mr. Stansfeld July 16, [217] 400; Questions, Mr. Bourke, Mr. Assheton Cross, Mr. R. N. Fowler, Mr. Wheelhouse, Mr. Dixon, Mr. Dillwyn; Answers, Mr. Holt, Mr. Gladstone, Mr. W. E. Forster July 21, 663

*Precedence of Government Orders*, Moved, "That To-morrow, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motion, Government Orders of the Day having the priority" (*Mr. Gladstone*) July 21, [217] 665; after short debate, Question put, and agreed to

Moved, "That on Wednesday next, and every succeeding Wednesday, Government Orders of the Day do have precedence" (*Mr. Bruce*) July 28, [217] 1098; after short debate, Motion agreed to

*Order of Business—The Post Office and Telegraph Vote*, Questions, Mr. Assheton Cross, Mr. Beresford Hope, Sir John Hay; Answers, Mr. Gladstone July 24, [217] 918

*The Post Office Balances*, Moved, "That the House will proceed, this day, with the Motion relating to Post Office Balances, of which Notice has been given, after the Order of the Day for a Committee to consider of Her Majesty's Message" (*Mr. Gladstone*) July 29; Motion agreed to

*Precedence of Orders of the Day*, Observations, Question, Mr. Collins; Reply, Mr. Speaker; short debate thereon July 30, [217] 1255 Question, Mr. Baillie Cochrane; Answer, Mr. Gladstone; short debate thereon July 31, 1835

*Order of Business*, Question, Mr. Fawcett; Answer, Mr. Gladstone August 1, [217] 1438 Moved, "That the Orders of the Day appointed for the Evening Sitting this day be postponed until after the Notice of Motion relating to the Widows and Families of Civil Servants of the Crown and the three Notices of Motions next following" (*Mr. Gladstone*); after short debate, Motion agreed to

*The Count Out* [August 1], Observations, Mr. Cavendish Bentinck August 2, [217] 1474; Moved, "That this House do now adjourn" (*Mr. Cavendish Bentinck*); after short debate, Motion withdrawn

*Hour of Meeting of this House*, Observations, Mr. J. Lowther; short debate thereon August 1, [217] 1532

[See title *Parliament—Business of the House*]

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**PARLIAMENT—COMMONS—cont.**

*Public Business*

*Scotch Bills*, Questions, Sir Edward Collebrooke, Mr. Cameron, Dr. Lyon Playfair; Answers, The Lord Advocate, Mr. W. E. Forster May 26, [216] 434  
*General Valuation (Ireland) Bill*, Observations, Mr. Vance, Colonel Stuart Knox; Reply, Mr. Gladstone June 23, [216] 1256  
*Supply*, Observations, Mr. Cavendish Bentinck; Reply, Mr. Gladstone June 27, [216] 1498  
*Bills withdrawn*, Question, Mr. Anderson; Answer, Mr. Gladstone; short debate thereon July 7, [216] 1858

*Forms and Usages of the House*

*Postponement of Bills*—Notice, Question, Mr. Ellice; Answer, Mr. Speaker Feb 10, [214] 194

*Printing of Bills*, Question, Colonel Stuart Knox; Answer, Mr. Speaker May 22, [216] 276

*Rules of Debate—Loss of the "Sea Queen"*—Question, Mr. Mollo; Answer, Mr. Chichester Fortescue Mar 25, [215] 106

*Committees of the House—Divisions*, Question, Mr. Hermon; Answer, Mr. Gladstone June 10, [216] 724

*Rules and Orders of the House—Alteration of Questions by the Clerks at the Table—Public Offices*, Questions, Mr. Baillie Cochrane; Answers, Mr. Speaker, Mr. Campbell-Bannerman July 8, [217] 37; *The Persian Concessions to Baron de Reuter*, Observations, Question, Mr. Baillie Cochrane; Replies, Mr. Speaker, Viscount Enfield July 23, [217] 803

*Strangers Ordered to Withdraw* July 11, [217] 207

*Rules and Orders of the House as to Strangers—Reports of the Debates*, Notices, Sir Wilfrid Lawson, Mr. Mitchell Henry July 14, [217] 301

*The Easter Recess*, after short debate, House adjourned on Monday 7th April to Monday 21st April, [215] 650

*The Whitsuntide Recess*, Questions, Mr. Beresford Hope, Mr. Newdegate; Answers, Mr. Gladstone May 12, [215] 1790; after short debate, House adjourned from Tuesday, May 27, till Thursday the 5th day of June next, [216] 494

*Palace of Westminster—Decoration of the Central Hall*, Question, Mr. Osborne; Answer, Mr. Ayrton April 7, [215] 648

*The Frescoes*, Questions, Mr. Bowring; Answers, Mr. Ayrton July 31, [217] 1326

*Facilities for Visiting the Houses of Parliament*, Question, Mr. Holt; Answer, Mr. Ayrton August 4, [217] 1526

**PROROGATION OF THE PARLIAMENT August 5**

Message to attend the Lords Commissioners, [217] 1570:—The House went: *H.M. Majesty's SPEECH* delivered to both Houses of Parliament by The EARL GRANVILLE, pursuant to Her Majesty's Command

After which, Parliament prorogued to Wednesday, October 22

**Parliament—Breach of Privilege—Mr. Plimsoll**

Observations, Mr. T. E. Smith Feb 20, [214] 733

Moved, "That to accuse, in a printed book, Members of this House of grievous offences, and to threaten them with further exposure if they take part in its Debates, is conduct highly reprehensible, and injurious to the honour and dignity of this House" (Mr. Eustace Smith); after debate, Motion withdrawn

**Parliament—Business of the House (Committee of Supply)**

Moved, "That, whenever Notice has been given that Estimates will be moved in Committee of Supply, and the Committee stands as the first Order of the Day upon any Day except Thursday and Friday on which Government Orders have precedence, the Speaker shall, when the Order for the Committee has been read, forthwith leave the Chair without putting any Question, and the House shall thereupon resolve itself into such Committee, unless on first going into Committee on the Army, Navy, or Civil Service Estimates respectively, an Amendment be moved relating to the division of Estimates proposed to be considered on that day" (Mr. Chancellor of the Exchequer) Feb 10, [214] 244

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the best means of facilitating the despatch of Public Business in this House, and that the Reports and Evidence of the last three Committees on this subject be referred to it" (Sir Henry Selwin-Ibbetson) v.; Question proposed, "That the words, &c.: after debate, Question put: A. 148, N. 78; M. 70; main Question put, and agreed to

**Parliament—Business of the House—Counting the House on resuming Sitting at Nine o'clock**

Moved, "That when the House after a Morning Sitting resumes its Sitting at Nine o'clock, and it appears on Notice being taken that Forty Members are not present, the House shall suspend Debates and Proceedings until a quarter past Nine, and Mr. Speaker shall then count the House, and if Forty Members are not then present, the House shall stand adjourned" (Sir Henry Selwin-Ibbetson) April 29, [215] 1190; Resolution agreed to

**Parliament—Business of the House—Hour of Meeting**

Moved, "That a Select Committee be appointed to consider the time of the day at which the House should assemble, the hours during which the House can most conveniently sit for the transaction of Public Business, when the Business introduced by Her Majesty's Ministers should have precedence, and what Notice should be given of any proposal to alter the time at which the House will assemble, for the distribution of Business" (Mr. Newdegate) Mar 27, [215] 297; after debate, Motion withdrawn

Observations, Mr. J. Lowther; short debate thereon August 1, [217] 1552

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*Parliament—Business of the House (Opposed Business)*

Moved, "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion, a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when the Notice is called" (*Mr. Bowlerie*) Mar 4, [214] 1362; after short debate, Amendt., after "Day," in line 2, to insert "for the Second Reading of a Bill" (*Mr. Charley*); Question proposed, "That the words, *do*;" after further short debate, Amendt. withdrawn; main Question put; A. 191, N. 37; M. 164

*Parliament—Distribution of Electoral Power*

Moved, "That, in the opinion of this House, it is desirable to redress the inequalities of the distribution of Electoral power in England and Scotland as well as in Ireland" (*Sir Charles W. Dilke*) May 6, [215] 1861 Amendt. to add at the end of Question "by the application of the cumulative vote or otherwise, so as to secure a better proportional representation of the people in the respective constituencies" (*Mr. Collins*), 1873; Question proposed, "That those words be there added;" after debate, Amendt. withdrawn; main Question put; A. 77, N. 268; M. 191

*Parliamentary Elections—Declaration of the Poll*, Question, Mr. Macfie; Answer, Mr. Brace August 5, [217] 1862

*Parliamentary Representation—The Vacant Seats (England)*, Question, Mr. Raikes; Answer, Mr. Gladstone May 19, [216] 103.  
*Redistribution of Seats (Ireland)*, Question, Mr. Pim; Answer, The Marquess of Hartington Feb 10, [214] 196

*Parliament—Meeting of Parliament*

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the expediency of summoning Parliament not later than the last week of November, in accordance with the Fifth Resolution of the Committee on Public Business, 1871" (*Mr. Charles Forster*) Feb 25, [214] 902

Amendt. to leave out from "That," and add "a Select Committee be appointed to consider the time of the day at which the House should assemble, the Hours during which the House can most conveniently sit for the transaction of Public Business, when the business introduced by Her Majesty's Ministers should have precedence, and what Notice should be given of any proposal to alter the time at which the House will assemble for the distribution of business" (*Mr. Newdegate*) v.; Question proposed, "That the words, *do*;" after debate, Amendt. and Motion withdrawn

*Parliament—Representative Peers (Scotland and Ireland), Election of Observations, Mr. Stapleton; Reply, Mr. Gladstone Mar 28, [215] 310*

*Parliament—Resignation of Ministers*

Ministerial Statement, Earl Granville; short 214] debate thereon Mar 13, 1868; Mar 17, 1914; Ministerial Explanation, Earl Granville; Observations, The Duke of Richmond Mar 20, 1919

Ministerial Statement, Mr. Gladstone Mar 13, 1909

Moved, "That this House, at its rising, do adjourn till Monday next" (*Mr. Gladstone*); after debate, Motion agreed to

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House

Ministerial Statement, Mr. Gladstone Mar 17, 1918

Moved, "That the House, at its rising, do adjourn till Thursday" (*Mr. Gladstone*); after short debate, Motion agreed to

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House

Ministerial Explanation, Mr. Gladstone; Observations, Mr. Disraeli Mar 20, 1924

*Parliament—Trial of Election Petitions—Galway Election Petition*

Amendt. on Committee of Supply April 25, To leave out from "That," and add "in the opinion of this House, the present system of trying Election Petitions is unsatisfactory and requires alteration" (*Mr. O'Conor*) v., [215] 977; Question proposed, "That the words, *do*;" after short debate, Question put, and agreed to

**PARLIAMENT—HOUSE OF LORDS**

*New Peers*

Feb 6—The Right Hon. Sir Roundell Palmer, Lord Chancellor of Great Britain, created Baron Selborne  
Sir John Hanmer, baronet, created Baron Hanmer

May 6—Edward Berkeley, Baron Portman, created Viscount Portman of Bryanston, county Dorset

Sir Robert Alexander Shafto Adair, baronet, created Baron Waveney of South Elmham, county Suffolk

May 12—James Charles Herbert Welbore Ellis, Earl of Normanton in that part of the United Kingdom of Great Britain and Ireland called Ireland, created Baron Somerton of Somerley, county Southampton

*Sat First*

Feb 20—The Duke of Leeds, after the death of his Father

Mar 7—The Lord Carysfort (*Earl of Carysfort*) after the death of his Brother

Mar 20—The Lord Harris, after the death of his Father

April 28—The Viscount Canterbury, after the death of his Brother

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**PARLIAMENT—LORDS—Sat First—cont.**

- May 5*—The Lord Churston, after the death of his Grandfather  
*May 20*—The Earl of Zetland, after the death of his Uncle  
 The Lord Stewart of Garlies (Earl of Galloway), after the death of his Father  
*June 12*—The Lord Brancopeth (Viscount Boyne), after the death of his Father  
*July 15*—The Earl De La Warr, after the death of his Brother  
 The Lord Stourton, after the death of his Father  
 The Lord Manners, after the death of his Father  
*July 21*—The Lord Lytton, after the death of his Father  
*July 22*—The Earl of Chesterfield, after the death of his Cousin  
**Representative Peer for Ireland**  
 (Writs and Returns)  
*Feb 18*—Lord Crofton, v. Lord Clarina, deceased  
*April 21*—Lord Inchiquin, v. Lord Kilmaine, deceased

**HOUSE OF COMMONS**

**New Writs Issued**

*During Recess*

- For Preston*, v. Sir Thomas George Fermer Heaketh, baronet, deceased  
*For Flint Burrough*, v. Sir John Hanmer, baronet, now Baron Hanmer  
*For Richmond*, v. Right Hon. Sir Roundell Palmer, knight, Chancellor of Great Britain  
*For Tiverton*, v. Hon. George Denman, one of the Justices of Her Majesty's Court of Common Pleas  
*For Londonderry City*, v. Right Hon. Richard Dowse, one of the Barons of Her Majesty's Court of Exchequer in Ireland  
*For Cork City*, v. John Francis Maguire, esquire, deceased  
*For Kincardine County*, v. James Dyce Nicol, esquire, deceased  
*For Forfar County*, v. Hon. Charles Carnegie, Inspector of Constabulary in Scotland  
*For Orkney and Shetland*, v. Frederick Dundas, esquire, deceased  
*For Liverpool*, v. Samuel Robert Graves, esquire, deceased  
*Feb 6*—*For Armagh County*, v. Sir William Verner, baronet, deceased  
*For Wigtonshire*, v. Hon. Alan Plattenet Stewart, commonly called Lord Garlies, called up to the House of Peers  
*Feb 10*—*For Lisburn*, v. Edward Wingfield Verner, esquire, Chiltern Hundreds  
*Feb 21*—*For Mid Cheshire*, v. George Cornwall Legh, esquire, Chiltern Hundreds  
*Mar 20*—*For Tyrone County*, v. The Right Hon. Henry Thomas Lowry Corry, deceased

**PARLIAMENT—COMMONS—New Writs Issued—cont.**

- April 28*—*For Bath*, v. Sir William Tite, deceased  
*May 1*—*For Gloucester City*, v. William Philip Price, esquire, Chiltern Hundreds  
*May 21*—*For Richmond*, v. Lawrence Dundas, esquire, now Earl of Zetland  
*June 9*—*For Devon (Southern Division)*, v. Samuel Trehawke Kekewich, esquire, deceased  
*June 11*—*For Roscommon*, v. Colonel the Right Hon. Fitzstephen French, deceased  
*June 16*—*For Berwick*, v. David Robertson, esquire, called up to the House of Peers by the title of Baron Marjoribanks of Ladykirk in the County of Berwick. (*Mem.*—Lord Marjoribanks died on the 19th of June without having taken his seat)  
*June 19*—*For Bath*, v. Hon. George Henry Cadogan, now Earl Cadogan, called up to the House of Peers  
*June 25*—*For Waterford County*, v. Edmond De la Poer, esquire, Chiltern Hundreds  
*July 21*—*For Stafford (Eastern Division)*, v. John Robinson McClean, esquire, deceased  
*July 25*—*For Greenwich*, v. Sir David Salomons, baronet, deceased  
*For Dundee*, v. George Armitstead, esquire, Chiltern Hundreds

**New Members Sworn**

- Feb 6*—Right Hon. Hugh Culling Eardley Childers, Pontefract  
 John Holker, esquire, Preston  
 Right Hon. William Nathaniel Massey, Tiverton  
 Sir Robert Alfred Cunliffe, baronet, Flint Burrough  
 James William Barclay, esquire, Forfar County  
 Samuel Laing, esquire, Orkney and Shetland  
 Sir George Balfour, Kincardine  
 Charles Edward Lewis, esquire, Londonderry City  
 Lawrence Dundas, esquire, Richmond  
*Feb 16*—John Torr, esquire, Liverpool  
*Feb 27*—Sir Richard Wallace, baronet, Lisburn  
 Robert Vans Agnew, esquire, Wigtonshire  
*Feb 27*—Edward Wingfield Verner, esquire, Armagh County  
*Mar 3*—Joseph Philip Ronayne, esquire, Cork City  
*Mar 10*—Egerton Leigh, esquire, Mid Cheshire  
*April 21*—Hon. Henry William Lowry Corry, Tyrone County  
*May 7*—Hon. George Henry (Cadogan), Viscount Chelsea, Bath  
*May 12*—William Killigrew Wait, esquire, Gloucester City  
*June 5*—John Charles Dundas, esquire, Richmond  
*June 17*—John Carpenter Garnier, esquire, Devon County (Southern Division)  
*June 24*—Hon. Charles French, Roscommon

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**PARLIAMENT—COMMONS—New Members Sworn—cont:**

- June 30—William Miller, esquire, *Berwickshire*
- Viscount Grey de Wilton, *Bath*
- July 7—Hon. Henry Windsor Villiers Stuart, *Waterford County*
- August 4—Thomas William Board, esquire, *Greenwich*

**Parliamentary and Municipal Electors Bill**

Question, Mr. C. E. Lewis; Answer, The Attorney General May 16, [216] 14

**Parliamentary Election Petitions—Legislation**

Question, Mr. O'Conor; Answer, The Attorney General Feb 13, [214] 372

**Parliamentary Elections (Expenses) Bill (Mr. Fawcett, Mr. Barnes, Mr. McLaren)**

- c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 32]
- Moved, "That the Bill be now read 2<sup>o</sup>" June 18, [216] 1110
- Amendt. to leave out "now," and add "upon this day three months" (Mr. Nicholson Hodgson); after debate, Question put, "That 'now,' &c.;" A. 91, N. 205; M. 114
- Words added; main Question, as amended, put, and agreed to; Bill put off for three months

**Parliamentary Electors Registration Bill (Mr. Pell, Mr. Bourke, Mr. William Henry Smith, Mr. Rowland Winn)**

- c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 26]
- Bill withdrawn, after short debate July 16, [217] 463

**Parliamentary Reporting in the Colonies**

Question, Mr. Pim; Answer, Mr. Knatchbull-Hugessen July 28, [217] 1091

**Patent Laws—International Conference, Vienna**

Question, Mr. Macfie; Answer, Viscount Enfield April 7, [215] 686; July 14, [217] 310; Question, Mr. Macfie; Answer, Mr. Baxter July 31, 1828; Question, Mr. Macfie; Answer, Viscount Enfield August 5, 1864

**Patentes, Rights of—Government Manufacturers**

Question, Lord Claud John Hamilton; Answer, Mr. Cardwell June 6, [216] 553

**PATTEN, Right Hon. Colonel J. W., Lancashire, N.**

Army Estimates—Land Forces, [214] 884  
Militia Pay and Allowances, [214] 1155  
Endowed Schools Act (1869) Amendment, Comm. cl. 6, [217] 944; add. cl. 951  
General Valuation (Ireland), Comm. [216] 1838

**PATTEN, Right Hon. Colonel J. W.—cont.**

- Ireland—Irish Railways, Purchase of, Res. [215] 1186
- Ireland—Shannon, Overflowing of the, Res. [214] 1590
- Navy Estimates—Dockyards, &c. [216] 149
- Parliament—Resignation of Ministers, Ministerial Statement, [214] 1910
- Parliament—Business of the House, Motion for a Committee, [215] 242
- Parliament—Business of the House—Opposed Business, Res. [214] 1864
- Peace Preservation (Ireland), 2R. [215] 2062
- Police, Administration of the, Motion for a Committee, [215] 1748
- Railway and Canal Traffic, Comm. cl. 10, [215] 382
- Rating (Liability and Value), Comm. cl. 3, [216] 927
- Superannuation Act Amendment, Comm. cl. 1, [215] 1704, 1708
- Supply—Houses of Parliament, [215] 785
- Union Rating (Ireland), 2R. [214] 767
- University Education (Ireland), 2R. Amendt. Motion for Adjournment, [214] 1711, 1741, 1744
- University Tests (Dublin) (No. 2), [215] 308
- University Tests (Dublin) (No. 3), Comm. cl. 2, Amendt. [215] 1531

**Peace Preservation (Ireland) Bill**

(The Marquess of Hartington, Mr. Secretary Bruce)

- c. Ordered; read 1<sup>o</sup> May 5 [Bill 145]
- Moved, "That the Bill be now read 2<sup>o</sup>" May 15, [215] 2054
- Amendt. to leave out "now," and add "upon this day six months" (Mr. Sherlock); after debate, Question put, "That 'now,' &c.;" A. 233, N. 28; M. 185; main Question put, and agreed to; Bill read 2<sup>o</sup>
- Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 16, [216] 59
- Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (Mr. Pim) v.; after short debate, Question, "That the words, &c.," put, and agreed to; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee: Report Read 3<sup>o</sup> May 19
- l. Read 1<sup>o</sup> (The Marquess of Lansdowne) May 20 (No. 123)
- Bill read 2<sup>o</sup>, after short debate; Committee negatived; Standing Orders Nos. 37 and 38 considered (according to Order), and dispensed with; Bill read 3<sup>o</sup> May 23, 331 Royal Assent May 26 [36 Vict. c. 24]

**PHASE, Mr. J. W., Durham, S.**

- Army Estimates—Land Forces, [214] 1092; Motion for reporting Progress, 1093
- Harbours of Refuge, Motion for a Committee, [215] 1424
- Monastic and Conventual Institutions, 2R. Amendt. [216] 1668
- Municipal Officers Superannuation, 2R. [214] 1372
- Prevention of Crime, 2R. [214] 751

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PEASE, Mr. J. W.—cont.

- Railway and Canal Traffic, 2R. [214] 1045 ; Comm. cl. 10, [215] 379 ; cl. 11, 384, 385 ; add. cl. 597 ; Consid. cl. 10, 720
- [215] Rating (Liability and Value)—Valuation—Consolidated Rate, Leaves, 1515
- 216] 2R. 288 ; Comm. 728 ; cl. 8, 1008, 1012, 1022, 1073 ; Amendt. 1076, 1083 ; cl. 13, 1194, 1287 ; cl. 15, 1487 ; cl. 18, Amendt. 1480
- Salmon Fisheries, 2R. [214] 1378.
- Supply—Queen's and Lord Treasurer's Remembrancer, [215] 1455
- Taxes on Locomotion, Res. [215] 460

PEEK, Mr. H. W., *Surrey, Mid.*

Criminal Law—Forged Telegrams, [217] 1821

PEEL, Right Hon. Sir R., *Tamworth*  
Spain—King Amadeus, [214] 730, 732

PEEL, Mr. A. W. (Secretary to the Board of Trade), *Warwick Bo.*

- Coals, Price of—Railways, [214] 547
- Commercial Marine, Motion for an Address, [214] 1359
- Mercantile Marine—Lights in the Channel, Res. [215] 1732
- Railway Regulation, Comm. [217] 1249
- Railways—Case of James Harris, [214] 722
- Weights and Measures Acts, Res. [216] 1087

PELL, Mr. A., *Leicestershire, S.*

- Agricultural Children, 2R. [214] 697
- Burials, Comm. Amendt. [217] 124
- Contagious Diseases (Animals) Act, Motion for a Committee, [214] 525
- Juries, Comm. cl. 46, [216] 540
- Labourers Cottages (Scotland), 2R. [217] 474
- Landlord and Tenant, 2R. [216] 1648
- Local Taxation Accounts, Comm. add. cl. [215] 467
- Parliamentary Electors Registration, 2R. [217] 463
- Public Health, Comm. [217] 92, 214
- Rating (Liability and Value), Comm. [216] 733 ; cl. 2, 750 ; cl. 3, 1015 ; cl. 13, Motion for reporting Progress, 1238 ; cl. 15, Amendt. 1423, 1426 ; Consid. [217] 417, 421
- Register for Parliamentary and Municipal Electors, 2R. [214] 1958 ; Comm. Amendt. [215] 292
- Turnpike Acts Continuance, Comm. [217] 193

Penalties (Ireland) Bill

(*The Marquess of Hartington, Mr. Secretary Bruce*)

- c. Ordered ; read 1° July 14 [Bill 289]
- Read 2° July 17
- Committee\* ; Report July 22
- Read 3° July 24
- l. Read 1° (Lord O'Hagan) July 25 (No. 242)
- Read 2° July 29
- Committee\* July 31
- Report\* August 1
- Read 3° August 2
- Royal Assent August 5 [86 & 87 Vict. c. 62]

PERCY, Earl, *Northumberland, N.*  
Army—Volunteer Forces—New Regulations, Res. [217] 282

Women's Disabilities, 2R. [215] 1249

Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Lord Claud Hamilton, Sir Thomas Basley, Mr. Downing, Mr. Richard, Mr. Miller, Mr. Dabwury*)

- b. Considered in Committee ; Bill ordered ; read 1° Feb 7 [Bill 14]
- Moved, "That the Bill be now read 2°" May 7, [215] 1609
- Amendt. to leave out "now," and add "upon this day six months" (Mr. Wheathorne) ; after long debate, Question put, "That now, do," A. 81, N. 321 ; M. 240 ; words added ; main Question, as amended, put, and agreed to ; Bill put off for six months
- Division List, Ayes and Noes, 1661

Persian Government—Concession to Baron de Reuter

Question, Observations, Lord Strathnairn ; Reply, Earl Granville April 8, [215] 517

Moved that an humble Address be presented to Her Majesty for Copy of correspondence between Her Majesty's Government, and Baron de Reuter on the subject of the concession recently made by the Persian Government to him (*The Earl of Carnarvon*) July 14, [217] 290 ; after short debate, Motion agreed to

Part. P. [803]

Persia—Visit of the Shah

- 216] Question, Mr. Denison ; Answer, Mr. Gladstone May 27, 498 ; Questions, Mr. Denison, Mr. Rylands, Sir Wilfrid Lawson ; Answers, Mr. Gladstone, Viscount Enfield June 9, 538 ; Question, Mr. Bowring ; Answer, Viscount Enfield June 10, 724

Naval Review at Spithead, Questions, Colonel Annesley, Mr. Badlie Cochrane ; Answers, Mr. Goschen June 6, 547 ; Questions, Sir John Hay, Mr. Mitchell Henry, Mr. Yorke ; Answers, Mr. Goschen June 13, 909 ; Question, Mr. Bowring ; Answers, Mr. Gowen June 17, 1063 ; Observations, The Earl of Camperdown June 19, 1150 ; Question, Lord Charnwood ; Answer, Earl Granville June 20, 1218

Review at Woolwich, Question, Lord Elcho ; Answer, Mr. Cardwell June 19, 1973

Review in Windsor Park, Questions, Mr. Walsh, Sir Robert Anstruther, Sir Patrick O'Brien, Viscount Galway ; Answers, Mr. Cardwell, Mr. Goschen June 16, 997 ; Question, Lord Oranmore and Browne ; Answer, The Marquess of Lansdowne June 19, 1151 ; Question, The Duke of Richmond ; Answer, The Marquess of Ripon June 20, 1218

The Naval and Military Reviews, Question, Lord Oranmore and Browne ; Answer, The Earl of Camperdown June 16, 989

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**Petitions of Right (Ireland) Bill**  
*(Mr. Butt, Sir Colman O'Loghlen, Mr. Collan)*  
 c. Ordered; read 1<sup>o</sup> June 12 [Bill 189]  
 Read 2<sup>o</sup> June 19  
 Committee \*; Report June 23  
 Read 3<sup>o</sup> June 26  
 l. Read 1<sup>o</sup> (Marquess of Clanricarde) June 27  
 Read 2<sup>o</sup> July 10 (No. 180)  
 Committee \* July 22 (No. 233)  
 Report \* July 24  
 Read 3<sup>o</sup> July 29  
 Royal Assent August 5 [36 Vict. c. 69]

**PHILLIPS, Mr. R. N., Bury (Lancashire)**  
 Currency—Bank Act, Res. [215] 148  
 Juries, Comm. cl. 57, [216] 1520

**Pier and Harbour Orders Confirmation Bill**  
*(Mr. Arthur Peel, Mr. Chichester Fortescue)*  
 c. Considered in Committee; Bill ordered; read 1<sup>o</sup> April 21 [Bill 132]  
 Read 2<sup>o</sup> April 24  
 Committee \*; Report May 5  
 Read 3<sup>o</sup> May 7  
 Lord's Amendments (No. 91)  
 l. Read 1<sup>o</sup> (Earl of Morley) May 8 (No. 96)  
 Read 2<sup>o</sup> May 10  
 Committee \* May 20  
 Report \* May 28  
 Read 3<sup>o</sup> June 10  
 Royal Assent June 16 [36 Vict. c. 83]

**PIM, Mr. J., Dublin City**  
 Colonies, The—Parliamentary reporting in the [217] 1091  
 Customs Outport Clerks, Res. Report, [217] 1239  
 General Valuation (Ireland), 2R. [215] 1540  
 Ireland—Questions, &c.  
     Dublin College of Science, [214] 1818  
     Education—Teachers in Irish Workhouse Schools, [217] 1177  
     Prison Discipline, [216] 366  
     Redistribution of Seats, [214] 195  
 Ireland—Civil Servants, Res. [216] 1817  
 Peace Preservation (Ireland), Comm. Amend. [216] 69; Proviso, 60  
 Post Office—Dublin Post Office—Sorters and Letter Carriers, [217] 919  
 Railway Accidents, Res. [216] 212  
 Railway and Canal Traffic, Comm. cl. 10, Amendt. [215] 378; Consid. cl. 10, Amendt. 720  
 Rating Liability (Ireland), 2R. Amendt. [217] 983  
 Sale of Liquors on Sunday (Ireland), 2R. [217] 110  
 Supply—Metropolitan Police of Dublin, [217] 1139  
     Post Office Services, [217] 1115  
 Supreme Court of Judicature, Comm. cl. 50, Amendt. [217] 51  
 University Education (Ireland), 2R. Amendt. [214] 1437, 1699  
 University Tests (Dublin) (No. 3), 2R. [215] 766; Comm. cl. 2, 1532

**PLAYFAIR, Dr. Lyon, Edinburgh and St. Andrews' Universities**  
 Elementary Education Act (1870) Amendment, Re-comm. cl. 8, [217] 763; Consid. add. cl. 987  
 Endowed Schools Act (1869) Amendment, Comm. cl. 3, [217] 939; cl. 6, 944; add. cl. 952  
 Endowed Schools Commissioners—Emmanuel Hospital Scheme, Motion for an Address, [215] 1981  
 Parliament—Public Business—Scotch Bills, [216] 484  
 \*University Education (Ireland), 2R. Amendt. [214] 1459  
 Supply—Learned Societies, [215] 1795

**PLIMSOLL, Mr. S., Derby Bo.**  
 Commercial Marine, Motion for an Address, [214] 1819, 1861  
 Loss of Life at Sea, [214] 542  
 Mercantile Marine—"Hindoo" and "Parga," [215] 9  
 Royal Commission, [215] 298  
 "Sea Queen," Loss of the, [215] 106, 637  
 Merchant Shipping Act—Commitments of Seamen, [216] 561  
     "Eleanor," The, [215] 639, 642  
 Sea-going Vessels, Draught of, [216] 1961  
 Parliament—Breach of Privilege, [214] 740  
 Shipping Survey, &c., Leave, [214] 273; 2R. [215] 1987

**PLUNKET, Hon. D. R., Dublin University**  
 Civil Service (Ireland), [214] 154  
 India—Indian Budget, [217] 921  
 Ireland—Civil Servants, Case of, Res. [216] 1805; [217] 149  
 Ireland—Civil Service, Report, [215] 11  
 Post Office—(Ireland)—Purchase of Telegraphs, [216] 101  
     Sub-Postmasters, [217] 1332  
     Telegraph Department—Purchase of the Midland Railway System, [215] 975, 976  
 Supply—Metropolitan Police of Dublin, [217] 1143  
     Telegraphs, Comm. [217] 1246  
 University Education (Ireland), Leave, [214] 429  
 University Tests (Dublin) (No. 3), 2R. [215] 762; Comm. cl. 3, 1533

**Polling Districts (Ireland) Bill**  
*(The Marquess of Hartington, Mr. Secretary Bruce)*  
 c. Motion for Leave (The Marquess of Hartington) Feb 7, [214] 174; Bill ordered; read 1<sup>o</sup>\* Read 2<sup>o</sup> Feb 14 [Bill 1]  
     Committee \*; Report Feb 17  
     Considered \* Feb 21  
     Read 3<sup>o</sup> Feb 24  
 l. Read 1<sup>o</sup> (Marquess of Lansdowne) Feb 25  
     Read 2<sup>o</sup> Feb 28 (No. 24)  
     Committee \* Mar 3 (No. 34)  
     Report \* Mar 4  
     Read 3<sup>o</sup> Mar 6  
     Royal Assent Mar 13 [36 Vict. c. 2]

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**Pollution of Rivers Bill [n.l.]**  
*(The Earl of Shaftesbury)*

- i. Presented ; read 1<sup>o</sup> April 3 (No. 59)  
 Bill read 2<sup>o</sup>, after short debate, and referred to a Select Committee May 16, [216] 1  
 And, on May 20, the Lords following were named of the Committee :—Ld. Privy Seal, D. Northumberland, M. Salisbury, E. Doncaster, E. Lauderdale, E. Morley, V. Portman, L. Vivian, L. Aveland, L. Penrhyn  
 Report of Select Comm. \* July 21 (No. 230)  
 Bill reported \* July 21  
 Order for Committee discharged, after short debate ; Bill withdrawn July 29, [217] 1161

**POLTIMORE, Lord (Treasurer of the Household)**  
 Parliament—The Queen's Answer to the Address, [214] 276

**Poor Allotments Management Bill [n.l.]**  
*(The Duke of Richmond)*

- i. Presented ; read 1<sup>o</sup> Feb 20 (No. 20)  
 Bill read 2<sup>o</sup> Mar 7, [214] 1515  
 Committee Mar 24 (No. 43)  
 Report Mar 27  
 Read 3<sup>o</sup> Mar 28  
 Commons Amendments (No. 88)  
 c. Read 1<sup>o</sup> (Sir Stafford Northcote) April 2  
 Read 2<sup>o</sup> April 7 [Bill 113]  
 Committee ; Report April 28  
 Considered April 30  
 Read 3<sup>o</sup> May 1  
 i. Royal Assent May 18 [36 Vict. c. 19]

**Poor Law**

*Children of Roman Catholic Parents, Address for a Return (The Lord Buckhurst) Feb 10, [214] 192 ; after short debate, Motion amended, and agreed to*  
*Labourers' Unions—Refusal of Relief—Guardians of St. Germans, Question, Mr. Carter ; Answer, Mr. Stansfeld June 12, [216] 834 ; Question, Lord Edmond Fitzmaurice ; Answer, Mr. Stansfeld July 3, 1705*

**Poor Law (Scotland) Bill**

*(Mr. Crawford, Sir David Wedderburn, Mr. Miller)*  
 c. Ordered ; read 1<sup>o</sup> Feb 7 [Bill 4]  
 Moved, "That the Bill be now read 2<sup>o</sup>" Feb 28, [214] 973  
 Amendt. to leave out "now," and add "upon this day six months" (Sir Edward Colebrooke) ; after debate, Question put, "That 'now,' &c." A. 48, N. 181 ; M. 188  
 Main Question, as amended, put, and agreed to ; Bill put off for six months

**PORTMAN, Lord**

*Agricultural Children, 2R. [216] 716*  
*Pollution of Rivers, 2R. [216] 6*  
*Public Worship Facilities, Standing Order No. 34a, [216] 161*

**Portpatrick Harbour (Repeal of Acts) Bill—Afterwards**

- Portpatrick Harbour Bill**  
*(Mr. Arthur Peel, Mr. Chichester Fortescue)*  
 c. Ordered \* Feb 13  
 Read 1<sup>o</sup> Feb 14 [Bill 61]  
 Read 2<sup>o</sup> Feb 28  
 Order for Committee read, and discharged ; Bill committed to a Select Committee \* Mar 17  
 Committee nominated by the Committee of Selection as follows :—Sir Lawrence Falk (Chairman), Mr. Harris, Mr. William Wells, and Mr. Charles Williams  
 Bill reported \* April 2  
 Re-comm. ; Report April 7  
 Read 3<sup>o</sup> April 21  
 i. Read 1<sup>o</sup> (Marquess of Lansdowne) April 22  
 Bill read 2<sup>o</sup>, after short debate April 25, [215] 969  
 Committee ; Report April 28, 1023  
 Read 3<sup>o</sup> April 29  
 Royal Assent May 15 [36 Vict. c. 14]

**Portugal**

*Extradition Treaty — Capital Punishment, Question, Mr. Gilpin ; Answer, Viscount Enfield Feb 28, [214] 1095*  
*Supplies of Ammunition, Question, Colonel Barttelot ; Answer, Sir Henry Storks July 17, [217] 499*  
*The Commercial Tarif, Question, Mr. Grieve ; Answer, Viscount Enfield April 28, [215] 1029*

**POST OFFICE**

*Delivery of Letters, Question, Mr. Anderson ; Answer, Mr. Monsell August 4, [217] 1517*  
*Detention of Mails at Calais, Question, Mr. Harvey Lewis ; Answer, Mr. Monsell May 9, [215] 1718*  
*Dublin Letter Carriers, Question, Major Trench ; Answer, Mr. Monsell August 4, [217] 1528 ; Sub-Postmasters (Ireland), Question, Mr. Plunket ; Answer, Mr. Monsell July 31, 1833*  
*Dublin Post Office—Sorters and Letter Carriers, Question, Mr. Pim ; Answer, Mr. Monsell July 24, [217] 912*  
*Edinburgh and Glasgow Letter-Sorters, Question, Mr. Anderson ; Answer, Mr. Monsell April 24, [215] 903 ; Question, Mr. Miller ; Answer, Mr. Monsell May 8, 1878 ; May 15, 2022*  
*General Post Office, Edinburgh — Salaries, Question, Mr. Miller ; Answer, Mr. Monsell June 28, [216] 1248*  
*Glasgow Post Office, Question, Mr. Anderson ; Answer, Mr. Monsell July 24, [217] 911*  
*Halfpenny Post-Cards, Question, Mr. Welby ; Answer, Mr. Monsell Feb 28, [214] 1161*  
*Inefficiently Stamped Newspapers, Question, Mr. R. N. Fowler ; Answer, Mr. Monsell Mar 8, [214] 1184 ; Mar 7, 1519*  
*Postal Arrangements with the Argentine Republic, Question, Mr. W. H. Smith ; Answer, Mr. Monsell April 24, [215] 904*  
*Post Office Annuities, Question, Mr. Salt ; Answer, Mr. Monsell Feb 26, [214] 892*  
*Post Office Packet Vote—Claim of Mr. Churchward, Question, Mr. Bewring ; Answer, The Attorney General July 8, [216] 1706*

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**Post Office—cont.**

*Post Office Savings Bank Account*, Question, Mr. W. H. Smith; Answer, Mr. Monsell April 4, [215] 604;—*Investment of Deposits*, Question, Mr. Watney; Answer, The Chancellor of the Exchequer May 9, 1718  
*Post Office Savings Bank Department—Increase of Staff*, Question, Mr. J. G. Talbot; Answers, The Chancellor of the Exchequer, Mr. Monsell August 4, [217] 1529  
 “*Post Office Tea*,” Question, Mr. Heygate; Answer, Ms. Monsell May 26, [216] 451  
*Registered Letters*, Question, Mr. Torr; Answer, Mr. Monsell Mar 10, [214] 1812  
*Registration of Letters containing Postage Stamps*, Question, Mr. Macfie; Answer, Mr. Monsell July 24, [217] 910; Observations, Mr. Monk July 25, 1064; Question, Mr. Macfie; Answer, Mr. Monsell July 31, 1829  
*Registration of Religious Periodicals*, Questions, Colonel Stuart Knox; Answers, Mr. Monsell May 12, [215] 1786  
*Registration of Newspapers*, Question, Mr. McMahon; Answer, Mr. Monsell Mar 24, [215] 12  
*The Anglo-Italian Mails*, Question, Sir David Wedderburn; Answer, Mr. Monsell Mar 4, [214] 1284  
*The Book Post*, Question, Mr. McMahon; Answer, Mr. Monsell April 7, [215] 647

**Telegraphic Department**

*Charges for Messages*, Question, Lord Claud John Hamilton; Answer, Mr. Monsell Feb 10, [214] 194;—*Return Messages*, Question, Mr. Alderman W. Lawrence; Answer, Mr. Monsell July 28, [217] 1087;—*Charges for Delivery*, Question, Mr. Clare Read; Answer, Mr. Monsell July 14, [217] 316

*Extension of Telegraphs to Orkney and Shetland*, Question, Mr. Laing; Answer, Mr. Monsell Feb 13, [214] 371;—*Carmarthen District*, Question, Mr. Jones; Answer, Mr. Monsell May 6, [215] 1657;—*Galway*, Question, Mr. Heron; Answer, Mr. Monsell May 23, [216] 355

*Herring's Telegraph Printing Instrument*, Question, Mr. W. M. Torrens; Answer, Mr. Monsell July 31, [217] 1334

*Post Office and Telegraph Departments*—See title *Post Office (Balances)*

*Purchase of Telegraphs*, Question, Mr. Plunket; Answer, Mr. Monsell May 19, [216] 101;—*Outstanding Claims*, Question, Mr. Denison; Answer, Mr. Monsell June 19, 1185

*Purchase of the Midland Railway System*, Question, Mr. Plunket; Answer, Mr. Monsell April 26, [215] 975

*Statement of Capital Expenditure*, Question, Mr. Seely; Answer, Mr. Monsell May 6, [215] 1558

*Telegraphs in Rural Districts*, Question, Mr. Agar-Ellis; Answer, Mr. Monsell June 20, [216] 1229

*Telegrams between France and England*, Question, Mr. O'Reilly; Answer, Mr. Monsell May 1, [215] 1292

*Telegrams in French*, Question, Colonel Bourne; Answer, Mr. Monsell April 29, [215] 1189

**Post Office—cont.**

*Telegrams to Foreign Countries*, Question Mr. Muntz; Answer, Mr. Monsell April 24, [215] 900  
*Telegraph Act, 1869—Compensations*, Question, Mr. W. Fowler; Answer, Mr. Monsell Mar 31 [215] 345

*Post Office (Balances)—Telegraphic Department—Misappropriation of Funds* Explanation, Mr. Slater-Booth Mar 24, [215] 88

*Extension of Telegraphs—Misapplication of Funds*, Committee of Supply Mar 21;—*Report of the Committee on Public Accounts*, Observations, Mr. White; debate thereon, [214] 2056

*Extension of Telegraphs—Post Office and Telegraph Services—Financial Irregularities*, Question, Mr. Fawcett; Answer, Mr. Gladstone Mar 25, 101; Question, Mr. Norwood; Answer, The Chancellor of the Exchequer April 3, 522; Question, Mr. Rylands; Answer, Mr. Monsell April 7, 645; Question, Mr. Seely; Answer, The Chancellor of the Exchequer May 6, 1558; Questions, Mr. Slater-Booth, Mr. Synan; Answers, The Chancellor of the Exchequer, Mr. Baxter 216] May 26, 429; Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer June 19, 1172

Moved, “That this House, having considered the Reports of the Select Committee of Public Accounts, records its disapproval of the conduct of the Post Office in respect of the misappropriation of balances therein mentioned; and is of opinion that the control of the Treasury over the Post Office as a Revenue Department having proved inadequate for the earlier detection and rectification of such irregularities requires to be more watchfully exercised” (*Mr. Cross*) July 29, [217] 1189

Amendt. to leave out from “House,” and add “regrets to find, from the Reports of the Committee of Public Accounts, that the Post Office revenue and Savings Bank balances have been largely employed for the purposes of Telegraph capital expenditure without the authority of Parliament, and is of opinion that it is the duty of the Government to take effectual measures to prevent the recurrence of such a proceeding” (*Sir John Lubbock v.*, 1205; Question proposed, “That the words, &c.” after long debate, Question put; A. 111, N. 161; M. 50

Division List, Ayes and Noes, 1230  
 Words added; main Question, as amended put, and agreed to

*Post Office—Mail Contracts—Cape of Good Hope and Zanzibar Mail Contract*

Question, Mr. Salt; Answer, Mr. Monsell Feb 28, [214] 1101; Question, Mr. Holms; Answer, The Chancellor of the Exchequer May 5, [215] 1488; May 23, [216] 357

Orders of the Day postponed June 9, 640

Moved, “That the Contract for the Conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam

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*Post Office—Mail Contracts—cont.*

- Ship Company be approved" (*Mr. Chancellor of the Exchequer*) June 9, 686; after debate, Moved, "That the debate be now adjourned" (*Mr. Chancellor of the Exchequer*); after further short debate, Question put; A. 205, N. 121; M. 84; debate adjourned
- Question, Mr. Disraeli; Answer, Mr. Bruce June 13, 934; Question, Observations, Mr. Bouverie; Reply, Mr. Gladstone; short debate thereon June 16, 1000
- Moved, "That the Order for resuming the Adjourned Debate [9th June] be discharged" (*The Chancellor of the Exchequer*); Motion agreed to; Order discharged
- Orders of the Day postponed June 19, 1174
- Moved, "That the Contract for the Conveyance of Mails between the Cape of Good Hope and Zanzibar with the Union Steam Ship Company be approved" (*Mr. Chancellor of the Exchequer*) June 19, 1195
- After debate, Amendt. to leave out from "That," and add "a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General" (*Mr. Bouverie*) v., 1206; Question, "That the words, *etc.*" put, and negatived
- Question proposed, "That the words 'a Select Committee be appointed to inquire into the circumstances under which Articles of Agreement were made on the 7th day of May 1873 between the Union Steamship Company, Limited, and the Right Honourable William Monsell, Her Majesty's Postmaster General,' be there added;" after further debate, Question, "That those words be there added," put, and agreed to; main Question, as amended, put, and agreed to; Select Committee appointed
- Question, Lord John Manners; Answer, Mr. Gladstone June 23, 1250
- Nomination of Select Committee, Moved, "That Mr. Dodson be one of the Members of the Select Committee on the Cape of Good Hope and Zanzibar Mail Contract" (*Mr. Bouverie*) June 23, 1307
- Moved, "That the debate be now adjourned" (*Mr. Monk*); after short debate, Motion agreed to
- Question, Mr. Bourke; Answer, Mr. Bouverie June 26, 1416
- Orders of the Day June 26, 1421
- Question again proposed; Debate resumed June 26, 1446
- Amendt. To leave out from "That," and add "the Committee do consist of Seven Members, Five to be nominated by the Committee of Selection and Two to be added by the House" (*Mr. Hunt*) v.; Question proposed, "That the words *etc.*;" after debate, Question put; A. 124, N. 85; M. 39
- Main Question put, and agreed to; Select Committee nominated as follows: — Mr. Dodson (Chairman), Mr. Beeson, Sir Rowland Blennerhassett, Sir Edward Colebrooke, Mr. Gosechen, Mr. Holms, Mr. Leatham, Viscount Sandon, and Mr. Waterhouse
- Report of Select Committee July 23 No. 334

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*Post Office—Mail Contracts—cont.*

- Question, Mr. Slater-Booth; Answer, The Chancellor of the Exchequer July 29, [217] 1179
- Copies of Contracts Nos. 61, 62, 199, 253
- Correspondence . . . . . No. 241

*Post Office—Mail Contract (Table Bay and Zanzibar), and (Zanzibar and Aden)*

- Moved, "That the fresh Contract for the Conveyance of the Mails between Table Bay and Zanzibar with the Union Steam Ship Company be approved" (*Mr. Bruce*) August 4, [217] 1553; after short debate, Motion agreed to—Then
- Resolved, That the Contract for the Conveyance of Mails between Zanzibar and Aden with the British India Steam Navigation Company be approved (*Mr. Chancellor of the Exchequer*)
- Copy of Contract . . . . . No. 374

*POTTER, Mr. E., Carlisle*

- Rating (Liability and Value), Comm. cl. 13, [216] 1193

*POWELL, Mr. F. S., Yorkshire, W. R., N. Div.*

- Census (1871) Returns, [214] 728
- Criminal Law—Folkestone Magistrates, The, [216] 1497
- Elementary Education Act (1870) Amendment, Re-comm. cl. 3, [217] 765; cl. 8, Amendt. 790; add. cl. 801
- Elementary Education Act—School Boards—Holme St. Cuthbert's, [217] 1321
- Endowed Schools Act (1869) Amendment, 2R. [217] 731; Comm. cl. 4, 939; cl. 5, Amendt. ib.; cl. 6, 944; add. cl. 951
- Factory Acts, Consolidation of the, [214] 894
- Juries, Comm. Motion for Adjournment, [217] 590
- Metropolis—Hyde Park—Serpentine, The, [214] 601
- New Courts of Justice, [216] 407
- Metropolis Buildings Act Amendment, 2R. Amendt. [215] 497
- Minor Protection, 2R. [216] 1377
- Parliament—Address in Answer to the Speech, Report, [214] 171
- Public Health, Comm. [217] 91
- Railway and Canal Traffic, Comm. cl. 24, Amendt. [215] 594
- Rating (Liability and Value), Comm. cl. 3, [216] 1078; cl. 13, Amendt. 1233
- Supply—Alabama Claims, [216] 411;—Report, 463

- Convict Establishments, [217] 1134
- Education—England and Wales, [216] 1459
- Embassy Houses at Vienna and Washington, [217] 1131
- Harbours, &c. [215] 787
- New Palace at Westminster, [217] 1126
- Privy Council for Trade, &c. [215] 1011
- Public Buildings, [215] 778
- Registrar General of Births, &c. [215] 1016; [217] 401
- Salaries, &c. of Temporary Commissions, [215] 1816
- Survey of the United Kingdom, [215] 786

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**POWELL, Mr. F. S.—*none*.**

Supreme Court of Judicature, Comm. cl. 8, [216] 1894; cl. 29, 1879; cl. 54, [217] 181; cl. 57, Amendt. ib.  
 University Tests (Dublin) (No. 3), Comm. cl. 3, [215] 1533  
 Ways and Means, Report, [215] 918  
 Workshops Act, Res. [215] 996

**POWERSCOURT, Viscount**

Game Birds (Ireland), 2R. [216] 829  
 Peace Preservation (Ireland) Acts Continuance, 2R. [216] 840

**POWIS, Earl of**

Fairs, 2R. [216] 158  
 Land Titles and Transfer, 2R. [216] 350  
 Sites for Places of Religious Worship, Report, [216] 1082

**Prevention of Crime Bill**

(*Mr. Secretary Bruce, Mr. Winterbotham*)  
 c. Ordered; read 1<sup>o</sup> Feb 10 [Bill 36]  
 Bill read 2<sup>o</sup>, after short debate Feb 20, [214] 743  
 Bill withdrawn \* July 7

**Prevention of Frauds on Charitable Funds Bill [H.L.]**

(*The Earl of Shaftesbury*)  
 l. Presented; read 1<sup>o</sup> May 19 (No. 122)  
 Bill withdrawn, after short debate July 7, [216] 1847

**PRICE, Mr. W. P., Gloucester City**

Railway and Canal Companies Amalgamation, Res. [214] 785  
 Railway and Canal Traffic, Comm. cl. 11, Amendt. [215] 883

**Prison Ministers Act (1863) Amendment**

Bill (*Sir John Trelawny, Mr. Osborne, Lord Arthur Russell*)  
 c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 18]  
 Bill withdrawn \* June 30

**Prison Ministers Committee, 1870**

Questions, Sir John Trelawny, Mr. Clare Read; Answers, Mr. Gladstone Mar 28, [215] 396

**Prison Officers Superannuation (Ireland)**

Bill (*Sir John Gray, Mr. Pim, Mr. Ion Trant Hamilton*)  
 c. Ordered; read 1<sup>o</sup> April 29 [Bill 142]  
 Read 2<sup>o</sup> May 7  
 Committee \*—R.P. May 14  
 Committee \*—R.P. June 11  
 Committee \*; Report June 26  
 Considered \* June 30  
 Read 3<sup>o</sup> July 1

l. Read 1<sup>o</sup> (Earl of Longford) July 3 (No. 192)  
 Read 2<sup>o</sup> July 8

Committee \* July 10

Report \* July 11

Read 3<sup>o</sup> July 14

Royal Assent July 28 [36 & 37 Vict. o. 51]

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**Prisoners on Demand Bill**

(*Mr. Henry B. Sheridan, Mr. Looke, Mr. McLagan*)  
 c. Ordered; read 1<sup>o</sup> July 7 [Bill 290]  
 2R. July 28

**Proportional Representation Bill**

(*Mr. Morrison, Mr. Fawcett, Mr. Auberon Herbert, Mr. Thomas Hughes*)  
 c. Ordered; read 1<sup>o</sup> June 18 [Bill 194]  
 2R. July 30

**Public Departments (Purchases, &c.)**

Select Committee appointed, "to inquire into and report upon the existing principles and practice which in the several Public Departments and Bodies regulate the purchase and sale of Materials and Stores" (*Mr. Holmes*) Mar 10, [214]

Committee nominated as follows:—Mr. Holmes (Chairman), Sir George Balfour, Colonel Barttelot, Mr. Bates, Mr. Baxter, Mr. Brand, Mr. Alexander Brown, Mr. Campbell-Bannerman, Mr. Crum-Ewing, Mr. Goldney, Sir John Hay, Mr. Mitchell Henry, Mr. Hick, Mr. Laird, Mr. J. D. Lewis, Mr. Mellor, Mr. Salt, Mr. Torr, and Mr. Whitwell

Report of Select Comm. July 18 No. 311

**Public Expenditure**

Moved, "That the present rate of Public Expenditure is excessive; and that this House desires that it should be reduced, with a view to the diminution of the public burdens" (*Mr. Vernon Harcourt*) Feb 18, [214] 602

After long debate, Amendt. to leave out from "That," and add "a Select Committee be appointed to inquire whether any and what reductions can be effected in the expenditure for Civil Services (other than the National Debt and the Civil List), whether charged on the Consolidated Fund or defrayed from Votes of Parliament, with special reference to those branches thereof which are not under the direct or effectual control of the Treasury" (*Mr. Childers*) v.; Question, "That the words, &c." put, and negatived; words added; main Question, as amended, put, and agreed to

**Civil Service Expenditure**, Select Committee appointed on

And, on Feb 28, Committee nominated as follows:—Mr. Childers (Chairman), Viscount Crichton, Mr. Cubitt, Mr. Vernon Harcourt, Mr. Hermon, Mr. Kirkman Hedgson, Mr. McLaren, Mr. Melly, Sir Stafford Northcote, Mr. Raikes, Mr. Rathbone, Mr. Rylands, Mr. Slater-Booth, Mr. William Henry Smith, Mr. Frederick Stanley, Mr. West, and Mr. White

Reports of Select Comm. Nos. 131, 248, 352

**Public Health Bill**

(*Sir Charles Adderley, Mr. Francis Sharp Powell, Mr. Whitbread, Lord Robert Montagu, Mr. Stephen Cave, Mr. Richards*)

c. Ordered; read 1<sup>o</sup> Mar 21 [Bill 99]  
 Moved, "That the Bill be now read 2<sup>o</sup>" May 7, [215] 1884

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*Public Health Bill*—cont.

Amendt. to leave out from "That," and add "it is inexpedient to add to the duties at present imposed upon sanitary authorities constituted by the Act 1872, until their powers are better defined by a consolidation of the statutes, and appointments have been completed in conformity with the intention of the Act" (*Mr. Corrance*) v.; Question proposed, "That the words, &c." after short debate, Debate adjourned. Debate resumed May 8, 1870; after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2<sup>o</sup>. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 8, [217] 90; after short debate, Moved, "That the debate be now adjourned" (*Mr. Dimsdale*); Question put; A. 36, N. 92; M. 58. Question again proposed, "That Mr. Speaker, &c." Moved, "That this House do now adjourn" (*Mr. Knight*); Question put, and negatived. Original Question put, and agreed to; Committee—R.P. Moved, "That this House will, upon Friday next, again resolve itself into the said Committee" Amendt. to leave out "Friday next," and insert "Tuesday the 12th day of August" (*Mr. James Lowther*) v.; Question put, "That 'Friday next,' &c." A. 74, N. 24; M. 50; main Question put, and agreed to. Order for Committee discharged; Bill withdrawn July 11, 213.

*Public Health Act, 1872*

*Epping Drainage District*, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Hibbert May 13, [215] 1872. *Health of the Port of London*, Question, Mr. Cadogan; Answer, Mr. Stansfeld July 7, [216] 1858. *Poor Law Inspectors*, Question, Dr. Lush; Answer, Mr. Stansfeld April 3, [215] 624. *Royal Engineers*, Question, Sir Joseph Bailey; Answer, Mr. Stansfeld May 8, [215] 1878. *Salaries*, Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Hibbert May 13, [215] 1873.

*Public Health Act (1872) Amendment Bill*  
(*Mr. Spencer Walpole, Mr. Beresford Hope, Sir Robert Torrens, Mr. William Fowler*)

c. Ordered; read 1<sup>o</sup> July 14 [Bill 238]. Read 2<sup>o</sup> July 16. Committee\*; Report July 28. Considered\*; read 3<sup>o</sup> July 29. l. Read 1<sup>o</sup> (Earl Powis) July 31 (No. 257). Read 2<sup>o</sup> August 1. Committee\*; Report; read 3<sup>o</sup> August 2. Royal Assent August 5 [36 & 37 Vict. c. 73].

*Public Health Legislation—The Sanitary Commission*

Question, Mr. Raikes; Answer, Sir Charles Adderley Feb 17, [214] 646. *Digest of Sanitary Statutes*, Question, Sir Michael Hicks-Beach; Answer, Mr. Stansfeld Feb 7, [214] 154; Question, Sir Charles

*Public Health Legislation*—cont.

Adderley; Answer, Mr. Gladstone Feb 10, 198; Question, Sir Charles Adderley; Answer, Mr. Stansfeld Feb 18, 373; Feb 25, 395; Question, Mr. Gregory; Answer, Mr. Hibbert April 21, [215] 726.

*Public Meetings (Ireland) Bill*

(*Mr. P. J. Smyth, Mr. M'Mahon, Mr. Ronayne, Sir John Gray, Mr. Downing, Mr. Butt*) c. Ordered; read 1<sup>o</sup> May 7 [Bill 157]. Read 2<sup>o</sup>; debate adjourned June 17. Debate resumed July 7, [216] 1890; after short debate, Question put, and negatived. Bill withdrawn\* July 24.

*Public Offices—New Admiralty and War Offices*

Question, Lord Redesdale; Answer, The Duke of St. Albans; short debate thereon August 4, [217] 1513.

*Public Prosecutors Bill*

(*Mr. Secretary Bruce, Mr. Attorney General, Mr. Winterbotham*) c. Question, Mr. Eykyn; Answer, Mr. Bruce Mar 26, [215] 104. Ordered; read 1<sup>o</sup> May 23 [Bill 173]. Bill withdrawn\* July 7.

*Public Records (Ireland) Act (1867)*

*Amendment Bill* (*The Marquess of Hartington, Mr. Secretary Bruce*) c. Ordered; read 1<sup>o</sup> June 30 [Bill 217]. Read 2<sup>o</sup> July 3. Committee\*—R.P. July 7. Committee\*; Report July 10. Read 3<sup>o</sup> July 11. l. Read 1<sup>o</sup> (Lord O'Hagan) July 14 (No. 209). Bill read 2<sup>o</sup>, after short debate July 25, [217] 971. Committee discharged\* July 31.

*Public Schools Act—Shrewsbury School*

Question, Mr. Straight; Answer, Mr. Hibbert May 19, [216] 99.

*Public Schools (Eton College Property)*

Bill [H.L.] (*The Lord Lyttelton*) l. Presented; read 1<sup>o</sup> July 10 (No. 204). Read 2<sup>o</sup> July 14. Committee\*; Report July 15. Read 3<sup>o</sup> July 17. c. Read 1<sup>o</sup> (Mr. Spencer Walpole) July 21. Read 2<sup>o</sup> July 24 [Bill 251]. Committee\*; Report July 25. Read 3<sup>o</sup> July 28. l. Royal Assent August 5 [36 & 37 Vict. c. 62].

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**Public Works Loan Commissioners (School and Sanitary Loans) Bill—Formerly**

**Public Works Commissioners [Loans to School Boards and Sanitary Authorities] Bill**

(*Mr. Baxter, Mr. William Henry Gladstone*)

c. Ordered; read 1<sup>o</sup> June 24 [Bill 208]

Read 2<sup>o</sup> June 30

Committee\*; Report July 1

Read 3<sup>o</sup> July 2

l. Read 1<sup>o</sup> (*Marquess of Lansdowne*) July 8

Read 2<sup>o</sup> July 18 (No. 193)

Committee\*; Report July 17

Read 3<sup>o</sup> July 18

Royal Assent July 21 [36 & 37 Vict. c. 49]

**Public Works Loans—England and Ireland**

Questions, Mr. Delahunt; Answers, The Chancellor of the Exchequer July 21, [217] 680; July 24, 905; Question, Mr. Delahunt; Answer, Mr. Baxter July 25, 996

**Public Worship Facilities Bill**

(*Mr. Salt, Mr. Couper-Temple, Sir Smith Child, Mr. Akroyd, Mr. Dimsdale*)

c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 27]

214] Bill read 2<sup>o</sup>, after short debate Feb 25, 969

Moved, "That the Bill be committed to a Select Committee" (*Mr. Beresford Hope*); after further short debate, Question put; A. 9, N. 40; M. 31

Committee; Report Mar 20, 1859 [Bill 100]

Bill considered\* Mar 27

Read 3<sup>o</sup> Mar 31

l. Read 1<sup>o</sup> (*E. of Carnarvon*) April 1 (No. 56)

216] Standing Order, No. 34a, considered (according to order), and, after short debate, dispensed with in respect of the said Bill May 20, 1859

Moved, "That the Bill be now read 2<sup>o</sup>" June 26, 1878

Amendt. to leave out ("now,") and insert ("this day three months") (*The Earl of Shaftesbury*); after debate, on Question, That ("now,") &c.; Cont. 52, Not-Cont. 68; M. 16; resolved in the negative

Division List, Cont. and Not-Cont., 1896

**RAIKES, Mr. H. C., Chester**

Army—Adjutants of Militia, [216] 1495

Gunpowder—Duffey's, Mr. Invention, [217] 906

Endowed Schools Act (1869), Motion for a Committee, [214] 297

France—Commercial Treaty, 1860, [215] 521

India—Forest Department, [217] 35

Juries, Comm. cl. 5, [216] 526

Law Officers of the Crown—Attorney General, [215] 14

Married Women's Property Act (1870) Amendment, 2R. [214] 688

Municipal Boroughs Extension, 2B. [217] 121

Parliamentary Representation—Vacant Seats, [216] 103

Probate and Divorce Court, Judge of the, [214] 1182

**RAIKES, Mr. H. C.—cont.**

**Public Health Legislation—Sanitary Commission, [214] 546**

Supply—Court of Chancery, [215] 1774

Supreme Court of Judicature, Comm. [216] 1582; cl. 5, Amendt. 1595; cl. 6, 1742; cl. 28, Amendt. 1874, 1875; cl. 74, Amendt. [217] 188; cl. 75, Amendt. 218; add. cl. Amendt. 335, 336

Sweden—Coronation of the King of, [216] 353

University Education (Ireland), 2R. Amendt. [214] 1758

**Railway Accidents**

Question, Sir Henry Selwin-Ibbetson; Answer, Mr. Chichester Fortescue Feb 18, [214] 376

Moved, "That, in the opinion of this House, the time is come when the Government should take powers to enforce the adoption, where necessary, on Railway Companies, of additional securities for the safety of the public" (*Sir Henry Selwin-Ibbetson*) May 20, [216] 174

Amendt. To leave out from "when," and add "the Railways of the United Kingdom should become the property, and be under the control and management of the State" (*Mr. Lea*) v.; Question proposed, "That the words, &c.;" after debate

[House counted out]

**Railway and Canal Traffic Bill**

(*Mr. Chichester Fortescue, Mr. Childers, Mr. Arthur Peel*)

214] c. Motion for Leave (*Mr. Chichester Fortescue*) Feb 10, 220; after debate, Bill ordered; read 1<sup>o</sup> [Bill 34]

Bill read 2<sup>o</sup>, after debate Feb 27, 1042

Question, Sir Herbert Croft; Answer, Mr. Chichester Fortescue Mar 6, 1386

215] Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" Mar 31, 349

Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Joshua Fielden*) v.; after debate, Question, "That the words, &c.," put, and agreed to Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee; Report April 3, 590 [Bill 121]

Moved, "That the Bill be now taken into Consideration" April 7, 719; A. 103, N. 23; M. 80; Bill considered

Moved, "That the Bill be now read 3<sup>o</sup>" April 28, 1105

Amendt. to leave out from "Bill be," and add "re-committed in respect of certain new Clauses" (*Sir Herbert Croft*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 3<sup>o</sup>

l. Read 1<sup>o</sup> (*Lord President*) April 29 (No. 84)

Bill read 2<sup>o</sup>, after short debate May 6, 1544

Committee May 13, 1843 (No. 112)

216] Report May 18, 8 (No. 120)

Read 3<sup>o</sup> May 19

l. Lord's Amendments. considered May 26, 482; after short debate, further consideration deferred [Bill 171]

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*Railway and Canal Traffic Bill*—cont.

- 216] Lords Amendts. further considered June 23, 1298 ; several agreed to ; one amended, and agreed to ; one disagreed to .
- Committee appointed, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendt. to which this House hath disagreed :" List of the Committee, 1306
- 217] i. Commons Amendts. to Lords Amendts. and Commons Reasons for disagreeing to one of the Amendts. made by the Lords considered July 8, 8 (Nos. 172-211)
- Commons Amendts. to Lords Amendts. agreed to .
- Moved, not to insist on the Amendt. in Clause 25 to which the Commons have disagreed (*The Lord President*)
- After short debate, on Question, whether to insist ? Cont. 79, Not-Cont. 63 ; M. 18 ; resolved in the affirmative
- An Amendt. made to the said Amendt. ; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords insisting on their Amendt.
- c. Lords Amendts. July 14, 383 [Bill 171]
- Moved, "That this House doth not insist on its disagreement to the Amendt. made by the Lords in page 11, line 3, and which Amendt. was leave out (may also, if they think fit), and insert (shall)"
- Question put, and agreed to .
- Amendt. to insert after the word "shall" in the said Lords Amendts., the words "in all proceedings before them under sections 5, 10, 11, and 12 of this Act, and may, if they think fit, in all other proceedings before them under this Act" (*Mr. Chichester Fortescue*)
- Question proposed, "That those words be there inserted"
- Amendt. proposed to the said proposed Amendt. to leave out the figure "10" (*Mr. Rathbone*) ; Question put, "That '10,' &c. ;" A. 88, N. 14 ; M. 74 ; words inserted
- i. Royal Assent July 21 [36 & 37 Vict. c. 48]

*Railway Casualties*

Moved, That there be laid before the House "Return of the number of persons in the service of each railway company in the United Kingdom who had been killed or seriously injured in the discharge of their duties from the 1st of January, 1872, to the 1st of June, 1873, and of the amount of compensation given by the Company in each case" (*Lord Buckhurst*) June 12, [216] 831 ; after short debate, Motion amended, and agreed to

*Railway Communication with India*—See title *India*

*Railway, &c. (Transfer and Amalgamation) Bills*

- c. *Joint Committees*, Question, Mr. Rathbone ; Answer, Mr. Chichester Fortescue Feb 17, [214] 546 ; Questions, Mr. Woods, Mr. Rathbone ; Answers, Mr. Chichester Fortescue May 6, [215] 1486

Resolved, That all Bills of the present Session which include among their main provisions

*cont.*

*Railway, &c. (Transfer and Amalgamation) Bills*  
—cont.

any of the following objects—(1) The transfer to any Railway or Canal Company of the undertaking or part of the undertaking of any other such Company ; or (2) The transfer to any Railway or Canal Company of any Harbour ; or (3) The amalgamation of the undertaking or any part of the undertaking of any Railway or Canal Company with the undertaking of any other such Company, shall be referred to a Joint Committee of Lords and Commons (*Mr. Chichester Fortescue*) Feb 21 ; Resolution to be communicated to the Lords, and their concurrence desired thereto.

i. *The Commons Message*

Moved, "That the Message of the House of Commons on the subject of Railway, &c. (Transfer and Amalgamation) Bills be taken into consideration" (*The Lord President*) Feb 25, [214] 886 ; Motion agreed to

Then it was moved that the House do concur in the Resolution communicated by the Commons ; after debate, Motion agreed to ; and a Message sent to the Commons to acquaint them therewith

And, on May 1, Committee of the Commons nominated as follows :—Mr. Massey (Chairman), Mr. Leveson Gower, and Mr. Gregory And, on May 2, the Lords following were named of the Committee :—E. Belmore, E. Grey, L. Blachford

Message from the Commons that they have directed the Committees appointed by them to join with the Select Committee of their Lordships for the consideration of, to meet the Committee appointed by their Lordships May 8

*Railway and Canal Commissioners' Names, Observations*, Mr. Chichester Fortescue April 28, [215] 1027

*Railway and Canal Commissioners' Court*, Question, The O'Denoghue ; Answer, Mr. Chichester Fortescue April 24, [215] 903

*Railway Regulation Bill*—Formerly

*Regulation of Railways (Returns) Bill*  
(*Mr. Chichester Fortescue, Mr. Arthur Peel*)

- c. Ordered ; read 1<sup>st</sup> July 10 [Bill 232]
- Read 2<sup>nd</sup> July 17
- Committee ; Report July 29, [217] 1248
- Considered \* ; read 3<sup>rd</sup> July 30
- i. Read 1<sup>st</sup> (Earl Cowper) July 31 (No. 259)
- Read 2<sup>nd</sup> ; Committee negatived August 1
- Read 3<sup>rd</sup> August 2
- Royal Assent August 5 [36 & 37 Vict. c. 76]

*Railways*

*Board of Trade Returns* (1872), Question, Mr. Lea ; Answer, Mr. Chichester Fortescue May 5, [215] 1487

*Communication between Passengers and Guards*, Question, Mr. Watney ; Answer, Mr. Chichester Fortescue May 9, [215] 1711 ; Questions, Colonel North, Mr. J. G. Talbot ; Answers, Mr. Chichester Fortescue July 29, [217] 1172

*Hours of Work*—Case of Edwin Chivers, Question, Mr. M. T. Bass ; Answer, Mr. Chichester Fortescue Feb 19, [214] 875 ;—

*cont.*

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*Railways—cont.*

*Case of James Harris*, Question, Mr. M. A. Bass; Answer, Mr. Peel; Observations, Mr. Dillwyn Feb 20, 722

*Railway Companies and the Coal Trade*, Question, Mr. Eykyn; Answer, Mr. A. Peel Feb 17, [214] 547; Questions, Mr. J. B. Smith, Mr. Eykyn; Answers, Mr. Chichester Fortescue Mar 4, 1286

*The Heberlein Break*, Question, Sir Henry Selwin-Libbетson; Answer, Viscount Enfield Mar 21, [214] 1981

**Railways Amalgamation Bill**

(*Mr. Stapleton, Mr. Dickinson*)

c. Ordered; read 1<sup>o</sup> July 7 [Bill 227]  
Bill withdrawn \* July 23

**Railways Provisional Certificate Bill**  
*Afterwards*

**Railways Provisional Certificates**  
(*Widnes Railway*) Bill

(*Mr. Arthur Peel, Mr. Chichester Fortescue*)

c. Ordered; read 1<sup>o</sup> Feb 24 [Bill 78]  
Read 2<sup>o</sup> Mar 5

Order for Committee read, and discharged; ordered that the Bill be committed to a Select Committee, to be appointed in the same manner as in the case of a Railway or Canal Bill Mar 7

Bill reported \* May 7

Report of Select Committee [Bill 156]

Re-comm.—R.P. May 8

Committee\*; Report May 9

Read 3<sup>o</sup> May 12

l. Read 1<sup>o</sup> (*Earl of Morley*) May 13 (No. 111)

Read 2<sup>o</sup> May 23

Committee\*; Report June 16

Read 3<sup>o</sup> June 17

Royal Assent July 7 [36 & 37 Vict. c. 84]

**RATHBONE, Mr. W., Liverpool**

Administrative Departments—Courts of Justice, [217] 495

Commercial Marine, Motion for an Address, [214] 1355

International Law—New Rules, Motion for an Address, [214] 2007

Juries, Comm. cl. 5, Amendt. [216] 528

Local Taxation, Motion for a Committee, [215] 1834

Mercantile Marine—"Knight Templar," The, [215] 225

Municipal Corporations (Borough Funds) Act, [215] 105

Municipal Officers Superannuation, 2R. [214] 1887

Post Office—Mail Contracts, Res. [216] 709;—Cape and Zanzibar, 1218

Railway Amalgamation Bills—Joint Committees, [214] 548

Railway and Canal Companies—Joint Committee, [215] 1487

Railway and Canal Traffic, Comm. cl. 4, [215] 374; cl. 10, Amendt. 378, 379, 381; cl. 33, 595; add. cl. 597; Lords Amendts. [216] 1305; Amendt. [217] 383

Register for Parliamentary and Municipal Electors, Re-comm. [215] 719; cl. 3, 795; cl. 10, Amendt. 1691; cl. 13, 1893; add. cl. 1694

**RATHBONE, Mr. W.—cont.**

Supply—Education, England and Wales, [216] 1453

Supreme Court of Judicature, Comm. cl. 26, [216] 1873; cl. 50, [217] 47; cl. 60, Amendt. 182, 184; add. cl. 78, 229

Vexatious Objections (Borough Registration), 2R. [214] 665

Ways and Means, Report, [215] 1338

**Rating (Liability and Value) Bill**

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goechen, Mr. Hibbert*)

215] c. Motion for Leave (*Mr. Stansfeld*) May 5, 1491; Bill ordered; read 1<sup>o</sup> [Bill 146]

216] Government Property, Question, Mr. W. H. Smith; Answer, Mr. Stansfeld May 20, 171 Moved, "That the Bill be now read 2<sup>o</sup>" May 22, 277

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Cawley*); Question proposed, "That 'now,' &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2<sup>o</sup>

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 10, 725

Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (*Mr. Scourfield*) v.; after debate, Question put, "That the words, &c.;" A. 211, N. 181; M. 30

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

Committee—R.P. June 19, 910

Committee—R.P. June 16, 1003

Committee—R.P. June 17, 1065

Committee—R.P. June 19, 1174

Committee—R.P. June 20, 1232

Committee; Report June 26, 1423 [Bill 205]

217] Order for Consideration, as amended, read July 16, 401

After short debate, Moved, "That the Bill be now taken into Consideration"

Amendt. to leave out from "Bill be," and add "re-committed" (*Mr. Cawley*) v.; after further short debate, Question, "That the words, &c.," put and negatived; Question proposed, "That 're-committed' be added," v.; after further short debate, Amendt. proposed to the said proposed Amendt., to add "in respect of Clauses 3 and 19, and of any new Clauses relating to the subject matter of those Clauses" (*Mr. Cross*); Question, "That those words be added to the proposed Amendt.," put, and agreed to

Amendt. proposed to the said proposed Amendt., as amended, to add, at the end thereof, "and also in respect of Clauses 4 and 6" (*Mr. Graham*); Question put, "That those words be there added;" A. 136, N. 193; M. 57

Words "re-committed in respect of Clauses 3 and 19, and of any new Clauses relating to the subject matter of those Clauses," added to the words "That the Bill be," in the main Question; main Question, so amended, put, and agreed to; Committee—R.P. 419

Committee; Report; Considered July 18, 610

Read 3<sup>o</sup>, after short debate July 21, 685

l. Read 1<sup>o</sup> (*Earl of Kimberley*) July 21 (No. 231)

Moved, "That the Bill be now read 2<sup>o</sup>" July 25, 973

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**Rating (Liability and Value) Bill—cont.**

Amendt. to leave out ("now,") and insert ("this day three months") (*Lord Henniker*) ; after debate, on Question, That ("now,") &c. ; Cont. 43, Not-Cont. 59 ; M. 16 ; resolved in the negative, and Bill to be read 2<sup>o</sup> this day three months  
 Division List, Cont. and Not-Cont. [217] 903

**Rating (Liability and Value) [Payment of Rates]**

Considered in Committee June 10, [216] 795 ; Resolution agreed to ; reported June 11

**Rating Liability (Ireland) Bill**

(*The Marquess of Hartington, Mr. Secretary Brace*)

c. Ordered ; read 1<sup>o</sup> July 17 [Bill 246]  
 Moved, "That the Bill be now read 2<sup>o</sup>" July 24, [217] 962  
 Amendt. to leave out "now," and add "upon this day three months" (*Mr. Pim*) ; Question proposed, "That 'now,' &c." after short debate, Amendt. withdrawn ; main Question put, and agreed to ; Bill read 2<sup>o</sup> Bill withdrawn \* July 25

**Rating of Government Property—Consolidated Rate Bill**

Question, Mr. W. Morrison ; Answer, Mr. Hibbert May 28, [216] 357

**RAVENSWORTH, Lord**

Alkali Act, 1868—Petition, [216] 1776  
 Pollution of Rivers, 2R. [216] 3

**READ, Mr. Clare S., Norfolk, S.**

Agricultural Children, 2R. [214] 689 ; Comm. cl. 4, [215] 1458 ; 3R. 1709  
 Cattle—German Cattle, Importation of, [215] 1717  
 Contagious Diseases (Animals) Act, Motion for a Committee, [214] 508, 521  
 Elementary Education Act (1870) Amendment, Consid. add. cl. [217] 960  
 Endowed Schools Act (1869) Amendment, Comm. cl. 6, [217] 945  
 Labourers Cottages (Scotland), 2R. [217] 473  
 Landlord and Tenant, [215] 644 ; 2R. [216] 1644  
 Metropolis Buildings Act Amendment, 2R. [215] 501  
 Police, Administration of the, Motion for a Committee, [215] 1748  
 Post Office—Telegraphic Department, [217] 516  
 Prison Ministers Committee, [215] 297  
 Public Health, 2R. [215] 1708 ; Comm. [217] 93  
 215] Rating (Liability and Value)—Valuation—Consolidated Rate, Leave, 1519  
 216] Comm. 735 ; cl. 3, 928, 933, 1006, 1008, 1010 ; Amendt. 1011, 1013, 1019, 1020, 1021, 1028, 1029, 1031 ; cl. 15, 1424, 1427, 1428 ; Amendt. 1429, 1430  
 217] Consid. 415, 420, 421, 619  
 Supply—Education, England and Wales, [216] 1469  
 Tithe Commutation Act—Market Gardens, [214] 722

**READ, Mr. Clare S.—cont.**

Turnpike Acts Continuance, Comm. Motion for Adjournment, [217] 194  
 Ways and Means—Financial Statement, Comm. [215] 687 ; Report, 1346  
 Wild Birds Protection, Motion for a Committee, [215] 1188

**Real Estate Intestacy Bill**

(*Mr. Locke King, Mr. Hindle Palmer*)

c. Ordered ; read 1<sup>o</sup> Feb 7 [Bill 20]  
 Bill withdrawn \* August 1

**Real Estate Settlements Bill**

(*Mr. William Fowler, Mr. Robert Brand, Mr. Watkin Williams*)

c. Ordered ; read 1<sup>o</sup> Feb 19 [Bill 38]  
 Order for 2R. discharged ; Bill withdrawn July 2, [216] 1643

**Real Property Limitation Bill [H.L.]**

(*The Lord Chancellor*)

l. Presented ; read 1<sup>o</sup> April 29 (No. 86)  
 Read 2<sup>o</sup> May 28

**Record of Title (Ireland) Act (1865)**

**Amendment Bill**

(*Sir Robert Torrens, Sir Colman O'Loghlen, Mr. Pim, Mr. Matthews*)

c. Motion for Leave (*Sir Robert Torrens*) Feb 25, [214] 968 ; Bill ordered ; read 1<sup>o</sup> [Bill 79] 2R. [Dropped]

**REDESDALE, Lord (Chairman of Committees)**

Agricultural Children, 2R. [216] 721  
 Army—Military Depôt at Oxford, Address for Correspondence, [216] 1494  
 Bastardy Laws Amendment, Comm. [214] 1382 ; Commons Amends. [215] 601  
 Chelsea Water, 2R. [214] 1023, 1025  
 Consolidated Fund Appropriation, 2R. [217] 1511  
 Edmunds, Leonard, Esquire—Petition of, [216] 963, 978  
 Endowed Schools Commission, [214] 867  
 Epping Forest, 2R. [214] 1179  
 Gas and Water Works Facilities Act (1870) Amendment, 2R. [217] 205 ; Comm. Amendt. 389, 390 ; 3R. Amendt. 602  
 Gas Companies—Coal and Gas, Price of, [215] 1459, 1463  
 Improvement of Land, Motion for a Committee, [215] 508  
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- Railway and Canal Traffic, 2R. [215] 1854; 1856; Report, cl. 20, [216] 9  
 Railways, &c. (Transfer and Amalgamation), Commons Message, [214] 888  
 Registration of Births and Deaths, 2R. [215] 895  
 Shah of Persia—Review at Windsor, [216] 1216, 1217  
 Supreme Court of Judicature, 1R. [214] 365; Comm. [215] 394; Re-comm. 1268; Res. 1396, 1402; 3R. Amendt. 1463; Commons Amendts. Amendt. [217] 869

## REDMOND, Mr. W. A., Wexford

- Union Rating (Ireland), 2R. [214] 762  
 University Tests (Dublin) (No. 3), 2R. [215] 776

## REED, Mr. C., Hackney

- Bethnal Green Museum—Turner Drawings, The, [214] 1283  
 East India House Museum, [216] 888  
 Elementary Education Act (1870) Amendment, 2R. [217] 545; Re-comm. cl. 3, Amendt. 778, 780, 782; cl. 20, 795; add. cl. 801; Consid. add cl. 959; cl. 23, 961  
 Juries, Comm. cl. 7, [216] 529  
 Rating (Liability and Value), 2R. [216] 289; Comm. cl. 8, Amendt. 1081; Re-comm. [217] 613; Consid. 617  
 Register for Parliamentary and Municipal Electors, Re-comm. cl. 10, [215] 1691

## Reformatory and Industrial Schools—

- Ashton-under-Lyne Catholic School  
 Question, Mr. Cawley; Answer, Mr. Bruce June 19, [216] 1161

## Register for Parliamentary and Municipal Electors Bill

(Mr. Attorney General, Mr. Hibbert)

- c. Motion for Leave (Mr. Attorney General) 214] Feb 17, 576; Bill ordered, after short debate; read 1<sup>o</sup>. [Bill 68]  
 . Bill read 2<sup>o</sup>, after short debate Mar 20, 1947  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" 215] Mar 27, 292  
 Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (Mr. Pell) v.; Question proposed, "That the words, &c.," after short debate, Moved, "That the debate be now adjourned" (Colonel Barttelot); A. 45, N. 64; M. 19  
 Original Question again proposed; Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report  
 Order for Committee (on re-comm.) read; Moved, "That Mr. Speaker do now leave the Chair" April 7, 713  
 Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (Mr. Charles Lewis) v.; after short debate, Question put, "That the words, &c.," A. 110, N. 38; M. 72  
 Question again proposed; Moved, "That the debate be now adjourned" (Mr. Greene); after further short debate, Motion withdrawn

## Register for Parliamentary and Municipal Electors Bill—cont.

- Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P. [Bill 105] 215] Committee—R.P. April 21, 793  
 . Committee—R.P. April 24, 959  
 . Committee; Report May 8, 1890  
 216] Bill considered May 23, 412 [Bill 158]  
 Read 3<sup>o</sup> May 26  
 l. Read 1<sup>o</sup> (Lord Privy Seal) May 27 (No. 133)  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
 . June 26, 1897  
 Amendt. to leave out ("now,") and insert ("this day three months") (The Lord Cairns); after short debate, on Question, That ("now,") &c. Cont. 26, Not-Cont. 62; M. 36  
 Resolved in the negative  
 . Division List, Cont. and Not-Cont. 1408

## Registration (Ireland) Bill

(The Marquess of Hartington, Mr. Secretary Bruce)

- c. Ordered; read 1<sup>o</sup> May 18 [Bill 165]  
 Read 2<sup>o</sup> May 23  
 Committee; Report May 26  
 Considered May 27  
 Read 3<sup>o</sup> June 5  
 l. Read 1<sup>o</sup> (Marquess of Lansdowne) June 9  
 Read 2<sup>o</sup> June 10 (No. 138)  
 Committee; Report June 12  
 Read 3<sup>o</sup> June 13  
 Royal Assent June 16 [36 Vict. c. 30]

Registration of Births and Deaths Bill  
 [H.L.] (The Earl of Morley)

- l. Presented; read 1<sup>o</sup> Mar 27 (No. 49)  
 Bill read 2<sup>o</sup>, after short debate April 24, [215] 892  
 Committee May 8, 1868  
 Report May 20 (No. 100)  
 Read 3<sup>o</sup> May 23  
 c. Read 1<sup>o</sup> (Mr. Stansfeld) May 27 [Bill 180]  
 Question, Mr. W. H. Smith; Answer, Mr. Stansfeld June 10, [216] 722; Question, Mr. F. S. Powell; Answer, Mr. Stansfeld July 15, [217] 401  
 Bill withdrawn July 21

## Registration of Firms Bill

(Mr. Norwood, Mr. Charles Turner, Mr. Whitwell, Mr. Barnett)

- c. Ordered; read 1<sup>o</sup> Feb 13 [Bill 59]  
 Bill withdrawn June 24

## Registration of Trade Marks Bill—See title—Trade Marks Registration Bill

Regulation of Railways (Prevention of Accidents) Bill [H.L.]  
 (The Lord Buckhurst)

- l. Presented; read 1<sup>o</sup> Feb 11 (No. 12)  
 Moved, "That the Bill be now read 2<sup>o</sup>" Feb 18, [214] 582  
 Amendt. to leave out ("now,") and insert ("this day six months") (The Earl Couper); after short debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2<sup>o</sup>, and referred to a Select Committee

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*Regulation of Railways (Prevention of Accidents) Bill*—cont.

And, on Feb 24, the Lords following were named of the Committee:—Ld. Privy Seal, D. Somerset, M. Salisbury, E. Devon, E. Cowper, E. Vane, V. Gordon, L. Colville of Culross, L. Vernon, L. Wharncliffe, L. Belper, L. Houghton, and L. Buckhurst.

*Regulation of Railways (Returns) Bill*—  
See title—*Railway Regulation Bill*

*Representative Councils in Counties (Ireland) Bill* (*Mr. Butt; Mr. Callan*)

c. Ordered \* July 17  
Read 1<sup>st</sup> \* July 23 [Bill 259]  
2R. July 30

*Revenue and Expenditure—Weekly Returns*  
Question, Sir George Balfour; Answer, Mr. Baxter July 14, [217] 312

*Revenue Departments—Superannuations*  
Question, Mr. W. H. Smith; Answer, Mr. Baxter May 18, [215] 2019

*Revising Barristers Bill*

(*Mr. Charley, Mr. Holker*)

c. Ordered; read 1<sup>st</sup> \* July 4 [Bill 221]  
Read 2<sup>nd</sup> \* July 9  
Committee: Report July 11  
Considered \* July 15  
Read 3<sup>rd</sup> \* July 16  
b. Read 1<sup>st</sup> \* (*Lord Cairns*) July 17 (No. 218)  
Read 2<sup>nd</sup> \* July 21  
Committee July 25, [217] 972 (No. 244)  
Report \* July 28  
Read 3<sup>rd</sup> \* July 29  
Royal Assent August 5 [36 & 37 Vict. c. 70]

**RICHARD, Mr. H., Merthyr Tydfil**  
Elementary Education Act (1870) Amendment, Leave, [216] 905; 2R. [217] 454; 3R. 1017

International Law—Arbitration, Motion for an Address, [217] 52, 87

**RICHMOND, Duke of**  
Agricultural Children, 2R. [216] 717; Comm. cl. 4, 1152; cl. 6, 1153; cl. 9, Amendt. 1154; Report, 1549.

Army—Questions, &c.

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Commissions in the, [216] 1179  
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Army—Military Depot at Oxford, Address for Correspondence, [216] 1492

Army—Recruits, Motion for Returns, [214] 1609; Res. [216] 1527, 1608, 1615, 1616, 1622

**RICHMOND, Duke of**—cont.

Army Regulation Act—Abolition of Purchase, [214] 1592, 1608;—Address for a Royal Commission, [217] 621, 644

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Church of Scotland—Patronage, Res. [216] 1050, 1052, 1053

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Conveyancing (Scotland), Report, [217] 856

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Elementary Education Provisional Order Confirmation (No. 1), Comm. [215] 1671, 1674

Epping Forest, 2R. [214] 1179

Gas and Water Works Facilities Act (1870) Amendment, 2R. [217] 206; 3R. 602

Gas Companies—Coal and Gas, Price of, [215] 1461

Government of Ireland, 2R. [216] 1582, 1546

Horses, Supply of, Address for a Royal Commission, [214] 720

Law Agents (Scotland), 2R. [216] 1781; Comm. [217] 204

Marriages (Ireland), 2R. [216] 94,

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215] Railway and Canal Traffic, 2R. 1550; Comm. add. cl. 1843, 1844; cl. 6, Amendt. ib.; cl. 10, Amendt. ib.; cl. 12, Amendt. 1845, 1846; cl. 16, Amendt. ib.; cl. 19, 1847, 1848; cl. 28, Amendt. ib.

216] Report, cl. 20, 9

217] Commons Amendments. 9

Railways, &c. (Transfer and Amalgamation), Common Message, [214] 887.

Rating (Liability and Value), 2R. [217] 990

Registration of Births and Deaths, 2R. [215] 894; Comm. 1687

Regulation of Railways (Prevention of Accidents), 2R. [214] 590

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**RIPON, Marquess of (Lord President of the Council)**

- Agricultural Children, Comm. cl. 4, [216] 1152 ; cl. 6, 1153 ; add. cl. 1154, 1155, 1156
- Alkali Act, 1868—Petition, [216] 1779
- Army—Half Pay Officers, [216] 1240
- Army, Officers of the—Abolition of Purchase, Address for a Royal Commission, [217] 642
- College Statutes, Alteration of, [216] 10, 12
- Elementary Education—English and Scotch Codes, [216] 1158
- Elementary Education Act (1870) Amendment, 2R. [217] 1162, 1166 ; Comm. cl. 3, Amendt. 1808 ; cl. 10, 1809
- Elementary Education Provisional Order Confirmation (No. 1), Comm. [215] 1671, 1674 ; [217] 492
- Endowed Schools Act (1869) Amendment, 2R. [217] 1309 ; Comm. cl. 15, 1418 ; Report, Amendt. 1472
- Endowed Schools Commission, [214] 386, 387
- Endowed Schools Commissioners—Denbigh Free Grammar School, Motion for an Address, [217] 595, 1067
- Endowed Schools Commissioners—Heath Free Grammar School, Motion for an Address, [217] 598
- Endowed Schools Commissioners—King Edward VI's Grammar School, Birmingham, Motion for an Address, [216] 82
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- Palace of Westminster—Frescoes in Royal Gallery, [215] 1870
- Parliament—Address in Answer to the Speech, [214] 37
- Pollution of Rivers, 2R. [216] 8
- [215] Railway and Canal Traffic, 2R. 1544, 1557 ; Comm. add. cl. 1844 ; cl. 6, 66 ; cl. 10, 66 ; cl. 12, 1845, 1846 ; cl. 16, 1847 ; cl. 19, 1848 ; cl. 26, 1849
- [216] Report, cl. 20, Amendt. 8, 9 ; cl. 26, 10
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- Railways, &c. (Transfer and Amalgamation), Commons Message, [214] 886
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**Rivers Pollution—The River Ribble**

Question, Mr. F. Stanley ; Answer, Mr. Stansfeld July 14, [217] 808

**Roads and Bridges (Scotland) Bill**

(Sir Robert Anstruther, Mr. M'Lagan, Mr. Miller, Mr. Parker)

- c. Ordered ; read 1<sup>st</sup> Feb 11. {Bill 46}
- Moved, "That the Bill be now read 2<sup>nd</sup>" June 11, [216] 796
- Amendt. to leave out from "That," and add "whereas the Roads and Bridges (Scotland) Bill involves the compulsory imposition of new local burdens, this House declines to entertain this Bill until the question of the relief to be granted from Imperial funds to local taxation shall have been definitively settled" (Mr. Crawford, v.) ; Question proposed, "That the words, &c.," after debate, Question put ; A. 124, N. 115 ; M. 9
- Main Question put, and agreed to ; Bill read 2<sup>nd</sup> Bill withdrawn *yest* ¶

**Rock of Cashel Bill**

(Mr. Heron, Sir John Esmonde, Sir Colman O'Leighlen, Colonel White, Sir John Gray)  
 c. Ordered ; read 1<sup>st</sup> Mar 26 [Bill 104]  
 2R. [Dropped]

**Rock of Cashel Bill [H.L.]**

(Lord Stanley of Alderley)

- L. Presented ; read 1<sup>st</sup> May 5 (No. 90)
- Moved, "That the Bill be now read 2<sup>nd</sup>" May 28, [216] 414
- Amendt. to leave out ("now,") and insert ("this day six months") (Viscount Middleton) ; after debate, on Question, That ("now,") &c. ? Cont. 23, Not-Cont. 112 ; M. 89 ; resolved in the negative
- Division List, Cont. and Not. Cont. 425

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**Rome—Diplomatic Relations with the Vatican**

Amendt. on Committee of Supply Feb 14, To leave out from "That," and add "there be laid before this House, a Copy of Papers (in continuation of a Paper [C—247], Session 1871, intituled 'Correspondence respecting the Affairs of Rome, 1870-71') (Mr. Sinclair Agnew) v., [214] 440 ; Question proposed, "That the words, &c.," after short debate, Question put ; A. 116, N. 68 ; M. 53

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**RONAYNE, Mr. J. P., Cork City**

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 Peace Preservation (Ireland), 2R. [215] 2068 ; Comm. [216] 64 ; cl. 2, 67 ; Proviso, 68, 71  
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**Royal Naval Artillery Volunteer Force**  
 Bill (*Mr. Goschen, Mr. Shaw Lefevre*)

c. Ordered; read 1<sup>st</sup> July 25 [Bill 264]  
 Read 2<sup>nd</sup> July 28  
 Committee\*; Report July 29  
 Read 3<sup>rd</sup> July 30  
 l. Read 1<sup>st</sup> (Earl of Camperdown) July 31  
 Read 2<sup>nd</sup>; Committee neg. August 1 (No. 280)  
 Read 3<sup>rd</sup> August 2  
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 Valley of the Atrek, Question, Sir Charles W. Dilke; Answer, Viscount Enfield Feb 14, [214] 439; Question, Mr. Osborne; Answer, Viscount Enfield Feb 28, 1899  
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**Sale of Liquors on Sunday (Ireland) Bill**

(*Sir Dominic Corrigan, Mr. Pim, Mr. O'Neill, Viscount Crichton, Mr. McClure, Mr. William Johnston, Lord Claud Hamilton, Mr. Dease*)

c. Ordered \* Feb 11

Read 1<sup>o</sup> \* Feb 12

Moved, "That the Bill be now read 2<sup>o</sup>"  
*July 9, [217] 96*

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Callan*); Question proposed, "That 'now,' &c.;" after debate, Question put; A. 83, N. 140; M. 57

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

**SALISBURY, Marquess of**

Agricultural Children, 2R. [216] 719; Comm. cl. 4, 1152; cl. 6, 1153; add. cl. 1156; Commons Amendts. cl. 8, [217] 648

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Treaties of Arbitration, Motion for an Address, [214] 1169, 1177, 1178

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**Salmon Fishery Bill—Formerly }  
 Salmon Fisheries Bill }**

(*Mr. Dillwyn, Mr. William Lowther, Mr. Assheton, Mr. Alexander Brown*)

c. Ordered; read 1<sup>o</sup> \* Feb 7 [Bill 19]

Bill read 2<sup>o</sup>, after debate Mar 5, [214] 1373

Committee\*; Report Mar 21 [Bill 93]

Committee (on re-comm.); Report April 23, [215] 890

Moved, "That the Bill be now taken into Consideration" July 14, [217] 384; Question put; A. 89, N. 7; M. 32; Bill considered

Read 3<sup>o</sup> \* July 15

i. Read 1<sup>o</sup> \* (Earl of Morley) July 17 (No. 215)

Read 2<sup>o</sup> \* July 24, 855

Committee\* July 28

Report \* July 29 (No. 249)

Read 3<sup>o</sup> \* July 31

Royal Assent August 5 [36 & 37 Vict. c. 71]

**Salmon Fisheries (No. 2) Bill**

(*Mr. Dodds, Lord Kensington, Mr. Pease*)

c. Ordered; read 1<sup>o</sup> \* Feb 13 [Bill 60]

Bill withdrawn \* June 10

**Salmon Fisheries Commissioners Bill**

(*Mr. Winterbotham, Mr. Secretary Bruce*)

c. Ordered; read 1<sup>o</sup> \* Feb 27 [Bill 85]

Read 2<sup>o</sup> \* Mar 3

Committee; Report Mar 20, [214] 1958

Bill read 3<sup>o</sup>, after debate Mar 24, [215] 88

i. Read 1<sup>o</sup> \* (Earl of Morley) Mar 25 (No. 47)

Read 2<sup>o</sup> \* Mar 31

Committee\*; Report April 1

Read 3<sup>o</sup> \* April 3

Royal Assent April 24 [36 Vict. c. 13]

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 c. Ordered : read 1<sup>st</sup> July 25 [Bill 266]  
 Read 2<sup>nd</sup> July 28  
 Committee\* ; Report July 29  
 Read 3<sup>rd</sup> July 30  
 l. Read 1<sup>st</sup> (Marquess of Lansdowne) July 31  
 Read 2<sup>nd</sup> ; Committee neg. August 1 (No. 262)  
 Read 3<sup>rd</sup> August 4  
 Royal Assent August 5 [96 & 97 Vict. c. 78]

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*Natural History Museum*, Question, Mr. Slater-Booth ; Answer, Mr. Ayton Feb 18, [214] 595 ; Questions, Major Beaumont ; Answers, Mr. Ayton July 29, [217] 1174 ; July 30, 1255 ; Question, Lord Echo ; Answer, Mr. W. E. Forster August 1, 1436 ; Question, Mr. Mundella ; Answer, Mr. Gladstone August 4, 1519 ; Question, Mr. Goldsmid ; Answer, Mr. W. E. Forster August 5, 1560  
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- Ways and Means—Financial Statement, Comm. [215] 707; Report, 921, 1088, 1312

*Scotch and Irish Peerage*

- Moved, “That an humble Address be presented to Her Majesty for, Returns of the present state of the Irish and Scotch Peerage, showing what Peerages have become extinct since the union of those countries with England, and what extinct Peerages are now represented by inferior titles; the number of Scotch and Irish Peers without seats in Parliament; and the roll of English, United Kingdom, Scotch, and Irish Peerages at the respective dates of union, and at the present time; also, the number of Irish Peerages created since the Union, and the number of British Peerages conferred on Irish and Scotch Peers, and the years in which they were granted” (*The Lord Inchiquin*) July 4, [216] 1778; Motion agreed to

**SCOTLAND**

- Agricultural Returns for Scotland*, Question, Observations, Lord Napier and Ettrick; Reply, The Duke of Argyll June 27, [216] 1478

- Board of Education (Scotland)*, Question, Mr. Gordon; Answer, Mr. W. E. Forster May 2, [215] 1406 ;—*Poor Law Inspectors*, Question, Sir Robert Anstruther; Answer, Mr. Bruce June 26, [216] 1410 ;—*The Poor Law—Payment of School Fees*, Question, Mr. Miller; Answer, The Lord Advocate June 26, 1412

- Church Rates Legislation (Scotland)*, Question, Mr. McLaren; Answer, The Lord Advocate May 19, [216] 102 ;—*Rates for Church Repairs, &c.*, Question, Mr. McLaren; Answer, The Lord Advocate April 7, [215] 645 [See title *Scotland—Church Rates*]

- Civil Service (Scotland)*, Question, Mr. McLaren; Answer, Mr. Gladstone July 7, [216] 1865

- Constabulary Superannuations*, Question, Observations, The Earl of Minto; Reply, The Earl of Morley May 9, [215] 1710

- Crown Revenues—Crown Lands*, Question, Mr. J. W. Baxter; Answer, Mr. Baxter May 12, [215] 1789

- Crown Salmon Fisheries (Scotland)*, Question, Mr. Ellice; Answer, Mr. Baxter June 20, [216] 1227; June 28, 1412

- Dumfries—The Estate of Hannahfield—Grant by the Crown*, Question, Lord Claud John Hamilton; Answer, Mr. Baxter Mar 27, [215] 224 Treasury Letter P.P. 180

- Northern Lights Commissioners—The Tay Lights*, Question, Mr. J. W. Barclay; Answer, Mr. Chichester Fortescue July 14, [217] 313

- Probates, &c. of Wills (Scotland)*, Question, Mr. Dodds; Answer, The Lord Advocate May 22, [216] 272

- Sheriffs Substitute*, Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer April 3, [215] 523 ;—*Salaries*, Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer July 7, [216] 1862

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*Scotland, Church of—Patronage*

Moved to resolve, that whereas the presentation of ministers to churches in Scotland by patrons under the existing law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration with the view of legislating as to the appointment and settlement of ministers in the Church of Scotland (*The Earl of Airlie*) June 17, [216] 1032 ; after long debate, Motion withdrawn

Moved, "That, whereas the presentation of Ministers to Churches in Scotland by patrons under the existing Law and practice has been the cause of much division among the people and in the Church of Scotland, it is expedient that Her Majesty's Government should take the whole subject into consideration, with a view of legislating as to the appointment and settlement of Ministers in the Church of Scotland" (*Sir Robert Anstruther*) June 17, 1090 ; after short debate, Previous Question proposed, "That that Question be now put" (*Mr. Crawford*) ; after further debate, Previous Question and Motion withdrawn

*Scotland—Church Rates*

Question, Mr. McLaren ; Answer, 'The Lord Advocate May 19, [216] 102

Moved, "That the levying of local rates and assessments on lands and houses for the erection and repair of Churches and Manses in Scotland, for the supposed benefit of a minority of the population, is unjust in principle, and the cause of great dissatisfaction amongst the people ; and looking to the hopes held out by the Government on the subject, this House is of opinion that a Bill should be introduced by the Government during the present Session of Parliament, to remove the existing grievance" (*Mr. McLaren*) June 27, [216] 1522 [House counted out]

*SCOTT, Lord H. J. M. D., Hampshire, S.*

Landlord and Tenant, 2R. [216] 1647

Marriage with a Deceased Wife's Sister, Comm. [214] 874

Navy—Trotman Anchor, [217] 501

Navy Estimates—Men and Boys, [215] 84

Rating (Liability and Value), Re-comm. [217] 614

*SCOURFIELD, Mr. J. H., Pembrokeshire, S.*

Army—Robins, Lieutenant, Case of, [216] 14

Burials, 2R. [215] 195

Customs Outport Clerks, Res. Report, [217] 1243

Elementary Education Act (1870) Amendment, Re-comm. cl. 8, [217] 781 ; cl. 10, 791, 794 ; cl. 23, 798 ; 3R. 1007

Elementary Education—School Accommodation, [216] 1249, 1250

Household Franchise (Counties), 2R. [217] 850

Juries, Comm. cl. 1, [215] 2072 ; cl. 5, [216] 516, 520

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*SCOURFIELD, Mr. J. H.—cont.*

Local Taxation, Motion for a Committee, [215] 1840

Navy Estimates—Admiralty Office, [216] 123

Dockyards, &c. [216] 136

Men and Boys, [215] 84

Parks Regulation Act—Meetings in the Parks, Motion for an Address, [215] 287

Parliament—Business of the House, Motion for a Committee, [215] 244

Parliamentary Elections (Expenses), 2R. [216] 1180

Post Office—Mail Contracts—Cape and Zanzibar, [216] 1450

216] Rating (Liability and Value), 2R. 297; Comm. Amendt. 728 ; cl. 8, 1028 ; cl. 7, 1198, 1199 ; cl. 18, 1237 ; add. cl. 1439, 1444

217] Consid. 415, 617 ; 3R. 687

Roads and Bridges (Scotland), 2R. [216] 816

Supply—Criminal Prosecutions at Assizes, &c. [215] 1772

Education—England and Wales, [216] 1464

Report, [217] 1259

Salaries, &c. of Temporary Commissions, [215] 1817

Stationery Office, [215] 1022

Taxes on Locomotion, Res. [215] 449

Ways and Means, Comm. [215] 944

Weights and Measures Acts, Res. [216] 1090

Women's Disabilities, 2R. [215] 1219

*Seduction Laws Amendment Bill*

(*Mr. Charley, Mr. Egkyn, Mr. Mundella, Mr. Whitwell*)

c. Ordered ; read 1<sup>o</sup> Feb 7 [Bill 10]

Moved, "That the Bill be now read 2<sup>o</sup>" April 2, [215] 468

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Cavendish Bentinck*) ; Question proposed, "That 'now,' &c." ; after debate, Amendt. withdrawn ; main Question put, and agreed to ; Bill read 2<sup>o</sup>

Committee : Report July 7, [216] 1891

Bill withdrawn \* July 10 [Bill 223]

*SEELY, Mr. C., Senr., Lincoln City*

Fisher Lads, Great Grimsby, [214] 1390

Navy—Admiralty Administration, Res. [214] 919, 932, 967

Post Office—Financial Irregularities, [215] 1568

Telegraph Department—Capital Expenditure, [215] 1568

*SELBORNE, Lord (see CHANCELLOR, The Lord)*

*Select Vestries*

Bill, *pro forma*, read 1<sup>o</sup> Feb 6

*SELKIRK, Earl of*

Rating (Liability and Value), 2R. [217] 988

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  - Yeomanry and Volunteer Adjutants, [214] 1035
  - Commercial Marine, Motion for an Address, [214] 1854
  - Epping Drainage, Res. [216] 1643
  - Epping Forest, 2R. [214] 565
  - Juries, Comm. cl. 5, [216] 521
  - Licensing Act, [217] 1063
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  - Parliament—Tuesday Sittings, Res. [214] 285
  - Permissive Prohibitory Liquor, 2R. [215] 1636
  - Public Health Act—Epping Drainage District, [215] 1872  
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  - Railway Accidents, [214] 376; Res. [216] 174
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  - Railways—Heberlein Break, [214] 1961
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  - Ways and Means, Report, Amendt. [215] 905, 920
- Settled Estates Bill**  
(*Mr. Stapleton, Mr. Wheelhouse*)
- c. Ordered \* Feb 18
  - Read 1<sup>o</sup> \* Feb 19 [Bill 71]
  - Bill withdrawn \* July 23
- SHYMPUR, Mr. A., Salisbury**
- Central Asia—Boundaries of the Afghan States, [214] 786
  - Supply—Natural History Museum, [215] 790, 791
- SHAFTESBURY, Earl of**
- Admission to Benefices and Churchwardenships, Comm. cl. 5, Amendt. [216] 1409
  - Agricultural Children, 2R. [216] 718
  - Bastardy Laws Amendment, Comm. [214] 1882; [215] 3; Commons Amendts. 601
  - Children's Employment in Dangerous Performances, 2R. [216] 1243
  - Prevention of Frauds on Charitable Funds, 2R. [216] 1847, 1850
  - Public Worship Facilities—Standing Order No. 34a, [216] 162; 2R. Amendt. 1381
- SHAW, Mr. R., Burnley**
- Army—Medical Officers, [215] 2021
  - Register for Parliamentary and Municipal Electors, Re-comm. cl. 9, [215] 1691
  - Superannuation Act Amendment, Comm. cl. 1, [215] 1706
- SHERIDAN, Mr. H. B., Dudley**
- Mexico—Diplomatic Relations, [217] 1568
- SHERLOCK, Mr. Serjeant D., King's Co.**
- Board of Education (Ireland)—O'Keeffe, Rev. Mr., Nomination of Committee, [216] 329
  - Burials, 2R. [215] 213
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  - Landlord and Tenant, 2R. [216] 1648
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  - Peace Preservation (Ireland), 2R. Amendt. [215] 2058; Comm. [216] 84
  - Railway Accidents, Res. [216] 189
  - Rating (Liability and Value), Consid. [217] 422
  - Sale of Liquors on Sunday (Ireland), 2R. [217] 117
  - Supreme Court of Judicature, Comm. cl. 29, [216] 1879
  - Women's Disabilities, 2R. [215] 1220

**Shipping Survey, &c. Bill**

- (*Mr. Plimsoll, Mr. Horseman, Mr. Charles Lewis, Mr. Staveley Hill, Mr. Semuda, Mr. Carter, Sir Henry Selwin-Ibbetson, Sir Robert Torrens, Mr. Eykyn, Mr. Leaman*)
- c. Considered in Committee; Bill ordered; read 1<sup>o</sup>, after short debate Feb 10, [214] 273 [Bill 43]
  - Moved, "That the Bill be now read 2<sup>o</sup>" May 14, [215] 1987; after short debate, Debate adjourned
  - Adjourned Debate on 2R. [Dropped].

**Shop Hours Regulation Bill**

- (*Sir John Lubbock, Mr. Thomas Hughes, Mr. Morley, Mr. Mundella*)
- c. Ordered; read 1<sup>o</sup> \* April 3 [Bill 128]
  - Bill withdrawn \* July 10

**Shrewsbury and Harrow Schools Property Bill**—Formerly

- Shrewsbury School Property Bill**
- (*Mr. Winterbotham, Mr. Secretary Bruce*)
- c. Ordered \* April 1
  - Read 1<sup>o</sup> \* April 2 [Bill 117]
  - Read 2<sup>o</sup> \* May 8
  - Committee \*; Report May 15 [Bill 184]
  - Committee \* (on re-comm.); Report May 26
  - Read 3<sup>o</sup> \* May 27
  - l. Read 1<sup>o</sup> \* (*The Lord Privy Seal*) June 9
  - Read 2<sup>o</sup> \* July 1 (No. 140)
  - Committee \* July 3
  - Report \* July 4
  - Read 3<sup>o</sup> \* July 7
  - Royal Assent July 21 [36 & 37 Vict. c. 41]

- SIMON, Mr. Serjeant J., Dewsbury**
- Criminal Law—Shropshire Magistrates—Whitefoot, George, Case of, [215] 1770
- Spain—"Lark," Sloop, The, [215] 2023
- Spain—Jenoken, Mr. H. D., Assault on, Motion for an Address, [215] 628
- Supreme Court of Judicature, 2R. [216] 864; Comm. cl. 5, 1594, 1897; cl. 8, 1747; cl. 18, 1769; cl. 24, 1865; cl. 27, 1874; cl. 29, 1884; cl. 54, [217] 176

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- Ways and Means—Report, [215] 1345

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- Sites for Places of Religious Worship Bill**  
*(Mr. Osborne Morgan, Mr. Morley, Mr. Binde Palmer, Mr. Charles Reed)*
- c. Ordered; read 1<sup>st</sup> Feb 7 [Bill 25]  
 Read 2<sup>nd</sup> Mar 26  
 Committee\*; Report Mar 81  
 Read 3<sup>rd</sup> April 2  
 Lords Amendments [Bill 219]  
 l. Read 1<sup>st</sup> (Lord Hatherley) April 8 (No. 61)  
 Bill read 2<sup>nd</sup>, after debate May 20, [216] 152  
 Committee\*; Report May 28 (No. 128)  
 Re-comm. June 16 (No. 159)  
 Report June 17, 1032  
 Read 3<sup>rd</sup> June 23, 1941  
 Royal Assent July 21 [36 & 37 Vict. c. 50]
- Slave Trade (Consolidation) Bill [H.L.]**  
*(The Earl of Camperdown)*
- l. Presented; read 1<sup>st</sup> July 1 (No. 188)  
 Read 2<sup>nd</sup> July 7  
 Committee\*; Report July 8  
 Read 3<sup>rd</sup> July 14  
 Read 1<sup>st</sup> July 17 [Bill 249]  
 Read 2<sup>nd</sup> July 22  
 Committee\*—R.R. July 24  
 Committee\*; Report July 28  
 Considered\* July 29  
 Read 3<sup>rd</sup> July 30  
 l. Royal Assent August 5 [36 & 37 Vict. c. 88]
- Slave Trade (East African Courts) Bill [H.L.]**  
*(The Earl of Camperdown)*
- l. Presented; read 1<sup>st</sup> July 1 (No. 187)  
 Read 2<sup>nd</sup> July 7  
 Committee\*; Report July 8  
 Read 3<sup>rd</sup> July 10  
 c. Read 1<sup>st</sup> July 11 [Bill 236]  
 Read 2<sup>nd</sup> July 22  
 Committee\*; Report July 24  
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 l. Royal Assent August 5 [36 & 37 Vict. c. 59]
- SMITH, Mr. J. B., Stockport**
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- SMITH, Mr. T. E., Tynemouth, &c.**
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 217] cl. 36, 39; cl. 54, 174, 176, 180, 181; cl. 60,  
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**South Sea Islands—Outrages on the Natives**  
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 Sea Islands which may have been received  
 from the Governors of any of the Austral-  
 asian Colonies, from the Senior Naval Officers  
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 the last issue of papers upon this subject  
 (*Earl of Belmore*) Feb 10, [214] 185; after  
 short debate, Motion agreed to  
 Question, Observations, The Earl of Belmore;  
 Reply, The Earl of Kimberley July 8,  
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**Spain**

**Abdication of King Amadeus — The British  
 Fleet in the Tagus, Questions, Sir Robert  
 Peel; Answers, Viscount Enfield, Mr. Shaw  
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**Capture of the “Vigilante,” Questions, Dr.  
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**Recognition of de facto Government, Question,  
 Mr. Whitwell; Answer, Viscount Enfield  
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**Sale and Purchase of Arms — International  
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**Subscriptions for the Carlists — International  
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 tion, Mr. Stapleton; Answer, Mr. Gladstone  
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 nition of the Carlists, Question, Mr. Callan;  
 Answer, Viscount Enfield July 28, [217] 1094**  
**The Sloop “Lark,” Question, Mr. Serjeant  
 Simon; Answer, Mr. Knatchbull-Hugessen  
 May 16, [215] 2033**  
**Conveyance of Chinese Coolies into Cuba,  
 Question, Observations, The Earl of Airlie;  
 Reply, Earl Granville July 15, [217] 394**

**Spain—Assault on Mr. Henry Diedrich  
 Jencken**

Moved, “That an humble Address be presented  
 to Her Majesty, praying Her Majesty to be  
 graciously pleased to direct Her Principal  
 Secretary of State for Foreign Affairs to  
 enter into communication with the Spanish  
 Government with the view to obtaining com-  
 pensation for Mr. H. D. Jencken, on account  
 of the injuries received by him at the hands  
 of the populace at Lorca in 1869” (Mr.  
 Serjeant Simon) April 4, [215] 628 [House  
 counted out]

**Spain — Extradition Treaty with — The  
 “Northfleet” and the “Murillo”**

Questions, Observations, The Earl of Carnar-  
 von, The Earl of Rosebery, The Earl of  
 Lauderdale; Reply, Earl Granville Feb 7,  
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*Spain—Extradition Treaty with—The “North-fleet” and the “Murillo”—cont.*

Moved, That an humble Address be presented to Her Majesty for, Copy of Correspondence between Her Majesty's Government and the Spanish Authorities with respect to the Spanish steamship "Murillo" (*The Earl of Carnarvon*) June 28, [216] 1245 ; after short debate, Motion agreed to

SPEAKER, The (Right Hon. H. B. W. BRAND), *Cambridgeshire*

Amendments — No second Amendment until first disposed of—Mr. Speaker said that there was an Amendment before the House—that the Bill [*Labourers Cottages (Scotland) Bill*] should be read a second time that day six months—and until that Amendment was disposed of, no other Amendment could be moved, [217] 485

Bills—*Money Clauses—Rating (Liability and Value) Bill*—Order for Consideration, as amended, read. Mr. Craufurd said he understood that the President of the Local Government Board was about to import into the Bill certain clauses [which he referred to]—Mr. Speaker said, that if the clauses to be proposed by the right hon. Gentleman imposed any new charge they must be moved in Committee of the Whole House, [217] 402, 403

Amendments varying the incidence of a rate come within the rule, and the Bill must be re-committed with respect to the clauses affected, 413

Bills — Delay in circulating a Bill after Leave given—in answer to Colonel Stuart Knox, who complained that copies of a certain Bill had not yet been distributed—Mr. Speaker said, that leave was given by the House for the introduction of the [Borough Franchise (Ireland)] Bill upwards of six weeks ago, and that on the same occasion the Bill was ordered to be printed. No doubt it was opposed to the usage of the House that so great a delay should take place between the Order of the House for the printing of the Bill and the circulation of the Bill among hon. Members, [216] 276

Bills—Alteration in Bills after Leave given—an hon. Member who has obtained the leave of the House to introduce a Bill is at liberty to suspend the introduction of that Bill and to alter it in any way he thinks proper, provided it is not so altered as to be inconsistent with his original Leave.—*University Tests (Dublin) Bill*, [215] 303, 304, 305, 306

Bills—Alteration in Bills actually before the House—There is no principle more clearly laid down in this House than this—When a Member has introduced a Bill to the House it ceases to be in that Member's hand, and passes into the possession of the House. No essential alteration of that Bill, at any stage, may then be made without the distinct order of the House. The House has laid down a clear course for Members to take if they desire to make any essential alteration in a Bill of which they have charge at any stage.

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SPEAKER, The—cont.

That course is to ask the Leave of the House to withdraw the Bill and to present another instead thereof

Under such circumstances, no Notice on the part of the hon. Member in charge of the Bill is necessary in order to raise the Question whether he should or should not be permitted to present another Bill, [215] 303

Bills—Notice of Postponement—if an hon. Member be desirous of postponing a Bill of which he has charge, it is the ordinary practice to allow him to move its postponement without Notice, [214] 194

Debate—Effect of agreeing to Motion “That Mr. Speaker do now leave the Chair.” The House having already declared that the words “That I do now leave the Chair” stand part of the Question, the hon. Member's Amendment cannot now be moved : therefore it is only open to him to call the attention of the House to the circumstances he has brought forward.—*Supply—Administration of the Police*, [215] 094, 1789

Debate—Effect of moving the Adjournment of the Debate—Right of Speaking a second time—A Member who has moved “That the Debate be now adjourned” is not entitled to address the House a second time in withdrawing that Motion.—*Register for Parliamentary Electors, &c. Bill*, [215] 710

*East India Revenue Accounts*—Committee, Moved, “That Mr. Speaker do now leave the Chair.” Mr. Fawcett moved, “That the Debate be now adjourned.” On representation made, Mr. Fawcett asked whether he should lose the right of speaking on the Main Question if he made one or two observations to explain why he moved the Adjournment of the Debate ? Mr. Speaker said the hon. Gentleman was entitled to speak on the Motion he had made for the Adjournment of the Debate ; but he could not speak again on the Main Question

If the House allowed him to withdraw his Motion, he might then speak on the Main Question, [217] 1405

Debate—Effect of Motion, “That this House do now adjourn”—Mr. Gladstone having moved “That this House do now adjourn.” Mr. Dillwyn proposed to move that the Salmon Fisheries Bill be committed *pro formâ*. Mr. Speaker said, the Question before the House is “That the House do now adjourn.” The hon. Member cannot interpose with his Motion.—*Resignation of Ministers*, [214] 1912

Debate—No debate when no Motion before the House—Statements having been made to the House as to the proceedings pending the Resignation of Ministers, hon. Members desired to address the House—Mr. Speaker said there was at present no Motion before the House. The House had just heard the Ministerial Explanations ; but it would be irregular to continue the discussion without some Motion before the House ; therefore, according to the usual practice, it would now be his duty to proceed with the Notices of Motion, [214] 1945

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SPE      SPE

**SPEAKER, The—cont.**

Debate—Sufficient Notice and Motion—Mr. Secretary Bruce having laid upon the Table a Copy of the Substituted Rules under the Parks Regulation Act, proposed to state the substance of those Rules—Mr. Osborne rose to Order, and asked whether it was open to the right hon. Gentleman to enter on the subject, seeing that there was no Notice on the Paper with respect to it? Mr. Speaker said, the right hon. Gentleman had stated in his place that he intended to lay on the Table the new Rules with reference to the regulation of the Parks; and, in pursuance of that Notice, he was now about to move that those Rules do lie upon the Table. The proceeding was quite regular.

It was then asked whether, as the statement was likely to lead to a debate, the right hon. Gentleman intended to conclude with a Motion? Mr. Bruce said, that all he desired to do was to state the substance of the New Rules. It was objected that, in that case, he was not entitled to make any statement whatever. Mr. Speaker said, the right hon. Gentleman must necessarily conclude by moving "That these Rules do now lie upon the Table;" and upon that Motion a debate might arise, [214] 200

Debate—Premature reference to a subject—It is irregular to anticipate under cover of a Question, the discussion of a Motion which is set down for future consideration, [216] 962; [217] 358, 576, 577

Debate—Reference to a Debate in the present Session—Latitude in Observation—An hon. Member is out of Order in referring to what had occurred in a Debate in the present Session; but it was usual, in cases like the present, where personal explanations became necessary, to grant considerable latitude.

Whatever the explanation required, the hon. Member to whom reference was made ought to be in his place.—*Conventual and Monastic Institutions Bill*, [216] 1788

Debate—Reference to a subject now before a Court of Law—Mr. Whalley, in moving for Papers connected with "The Tichborne Case," proposed to make comments upon the case itself. Mr. Speaker said, the hon. Gentleman is certainly out of Order in discussing proceedings that are at this time *sub judice*.—*The Queen v. Castro*, [216] 960, 961

Debate—Relevancy of Debate—Mr. Speaker reminded the hon. and learned Member that the Motion before the House was that the Order for the Second Reading of the [Landlord and Tenant] Bill be discharged. To go into the merits of the Bill upon such a Question would be quite out of Order, [216] 1648

Debate—Relevancy of Debate—Question, "That this Bill, as amended, be considered on Thursday next"—On this Motion no Amendment can be moved, except as to the time at which the Consideration of the Bill should be taken; and therefore any discussion not relevant to an Amendment of that kind is out of place, [217] 358

**SPEAKER, The—cont.**

Debate—Resumption of a Debate adjourned by the Six o'clock Rule—According to the Standing Orders of the House, the debate stood adjourned till To-morrow, when it would rest with the hon. Member for Sheffield to propose a day when it should be continued.—*Factory Acts Amendment Bill*, [216] 828

Debate—Unparliamentary Language—It is not Parliamentary language to speak of any body of men in this House as otherwise than a body of independent Members, [216] 1878

Opposed Business—The House having agreed to the Resolution that Opposed Business shall not be taken after 12.30 at night, and immediately thereafter the Order of the Day for the Second Reading of a Bill being read (it being then past 12.30 a.m.), Mr. Melly asked Mr. Speaker if it was consistent with the Resolution to proceed with this Bill on which various Amendments were to be proposed? Mr. Speaker was of opinion that the Resolution ought not to apply to Orders of the Day standing on the Paper before the Resolution was adopted by the House. The House ought to have full knowledge of the passing of the Resolution before it was enforced, [214] 1364

Opposed Business—Money Bills—Mr. Fawcett having asked whether the *East India Loan Bill*, being a Money Bill for India, was exempted from the Rule that Opposed Business should not be taken after half-past Twelve o'clock? Mr. Speaker said that the Bill was undoubtedly a Money Bill, and as such exempted from the Rule, [215] 1109

Order—When a subject is already before the House—Mr. Auberon Herbert having given Notice "To call attention to the Criminal Law Amendment Act of 1871," and notice being taken that there was already before the House a Bill to repeal that Act, which stood for consideration to-morrow—Mr. Speaker said there could be no doubt that the hon. Member for Nottingham would be out of Order in moving his Resolution that evening, seeing that the matter was already before the House, [217] 38

Order—Where a matter is already decided—The House having by a previous vote refused to entertain the proposal that the mode of conducting the Business of the House be referred to a Select Committee, it is out of Order to propose now, by another Amendment, that such a course should be taken.—*Business of the House—Resolution*, [214] 287

Order—Nomination of Committees—*Peace Preservation (Ireland) Bill*. Order for Committee read. Mr. Pim said he would move that the Order for Committee be discharged, and that the Bill be referred to a Select Committee, consisting of the Marquess of Hartington and Mr. Secretary Bruce, together with all Members who represented Irish constituencies—Mr. Speaker said the hon. Member might move to refer the Bill to a Select Committee, but the nomination of that Committee must be made the subject of a separate Motion, [216] 609

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**SPEAKER, The—cont.**

Order—Precedence of Government Orders of the Day — The House having ordered (July 28) “That on Wednesday next, and every succeeding Wednesday, Government Orders of the Day have precedence.” On the next Wednesday (July 30), Mr. Collins rose to a point of Order—A Bill, of which he had charge, had been placed No. 21 on the Paper, while the Bill of the hon. Member for Sheffield had been placed No. 4—and he desired to ask Mr. Speaker whether that precedence was in accordance with the Resolution? Mr. Speaker said that the proper construction of the Order was, that the Government had not only power to place their own Orders, but those of private Members, according to their pleasure, and that therefore the Bill of the hon. Member for Sheffield properly had precedence that day, [217] 1265

Order—Rules of Debate—Mr. Melly, having read an extract from a speech of the hon. Member for Derby (Mr. Plimball), made out of this House, reflecting on the conduct of officers of the Board of Trade, asked the President of the Board whether his attention had been called to that speech, and whether such statement is correct? Objection being made, Mr. Speaker said that he saw nothing irregular in putting a Question calling the attention of the President of the Board of Trade to the statement made out of the House. But that Question being followed by another, “and whether such statement is correct?” Mr. Speaker said that if the hon. Member questioned the statement made by a Member of the House, that proceeding would be irregular; but he did not understand that to be so—the hon. Member for Stoke only inquired of the President of the Board of Trade, whether the conduct of the officers of the Board of Trade was such as described by the hon. Member for Derby.—*Mercantile Marine—Loss of the “Sea Queen,”* [215] 105

Order — Withdrawal of Amendment — The Votes and Journals—Question arising, Mr. Hodgson said that an high authority had stated a few days ago that an Amendment moved by any hon. Member must be withdrawn by that hon. Member himself. He certainly never withdrew his Amendment, and therefore trusted it might be considered as still standing for approval. Mr. Speaker said that the hon. Member was understood to have withdrawn his Amendment; and the Amendment having appeared on the Proceedings of the House as being withdrawn, it must be taken to be so.—*Railway and Canal Trafic Bill,* [216] 1299

Privilege—Money Bills—Mr. Speaker pointed out that a Private Bill (*Bradford Improvement Bill*) which had come down from the House of Lords contained clauses which imposed a tax upon the people, and should therefore have been introduced into this House, and not into the other House of Parliament: But Mr. Speaker said that as the Promoters were not responsible for the in-

**SPEAKER, The—cont.**

troduction of the Bill into the other House, and had signified their intention to withdraw those clauses, he thought this course would sufficiently repair the irregularity. After some observations, the Bill was read the second time, [215] 1676

Questions—Alteration of Questions by the Clerks at the Table—One of the established Rules of the House with reference to Questions is that no argumentative matter shall be introduced; and if such matter appears it is always struck out by Mr. Speaker's authority, [217] 87, 893

Questions—Latitude of Observations in putting a Question—Mr. Whalley, in putting a Question having reference to the expenses in the trial of “The Tichborne Case,” proposed to offer some remarks. Mr. Speaker said, the hon. Gentleman was out of Order in going into the merits of the case. If the hon. Gentleman would confine himself to the expenses incurred in consequence of the prosecution of this person he would be quite in Order.—*The Queen v. Castro,* [214] 1611; [215] 644; [216] 409

Questions—Latitude in Answering—Mr. Plimball having put a Question to the President of the Board of Trade relating to the conduct of officers of the Board:—Mr. Chichester Fortesque made an explanatory Answer at some length. Sir John Hay rose to Order. Mr. Speaker said, the hon. Member for Derby has asked a Question having reference to the conduct of the officers of the Board of Trade:—Undoubtedly the House will be of opinion that the President of the Board of Trade, in answering a Question of this kind, is entitled to considerable indulgence.—*Merchant Shipping Act—The Eleanor,* [215] 641

Questions—Limitation of Answer—Mr. Brunen having asked Mr. M'Mahon what course he intends to pursue with regard to the *Union Rating (Ireland) Bill*, and the latter proposing to answer at some length—Mr. Speaker said he must remind the hon. Member that he was quite out of Order in explaining the provisions of his Bill on the Question now put to him, [216] 1711

Standing Order, 24th July, 1860—Mail Packet Contracts—The Standing Order [of the 24th July, 1860] is very clear and explicit. It lays down the Rule that every Packet and Telegraphic Contract shall be laid upon the Table of the House, accompanied by a Minute of the Lords of the Treasury setting forth the grounds on which they have proceeded to authorize it. Now the Contract in question has, no doubt, been laid on the Table of the House, accompanied by a letter from an officer of the Treasury to the Postmaster General; but such a letter in no sense fulfils the requirement of the Standing Order, and therefore, in my judgment, that Contract is not in a condition to be considered in its present shape by the House.—*Cape of Good Hope and Zanzibar Mail Contract,* [216] 1001

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- Spiritous Liquors (Scotland) Bill—**  
*Formerly*  
**Licensing Law Amendment (Scotland) Bill**  
*(Sir Robert Anstruther, Sir Graham Montgomery, Sir David Wedderburn, Mr. Charles Dalrymple, Mr. Fordyce)*  
 c. Considered in Committee; Bill ordered; read 1<sup>st</sup> July 17 [Bill 247]  
 Bill withdrawn July 28
- STAIR, Earl of**  
 Church of Scotland (Patronage), Rec. [216] 1047
- Standards Commission, 1870 — Weights and Measures**  
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- STANHOPE, Earl**  
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- STANHOPE, Mr. W. T. W. S., Yorkshire, W.R.**  
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- STANLEY OF ALDERLEY, Lord**  
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- STANLEY, Hon. Captain F. A., Lancashire, N.**  
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 Heligoland, Gambling Houses at, [215] 1871  
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- STANFIELD, Right Hon. J. (President of the Local Government Board), Halifax**  
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 Metropolis—Fires—Water Supply, [217] 903  
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- [215] Rating (Liability and Value)—Valuation—Consolidated Rate, Leave, 1401, 1617, 1619, 1520  
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 [217] Consid. 492, 403, 411, 413, 414, 415; Amendt. 419, 420; add. cl. 421, 422, 423; Re-comm. 610, 612, 614, 617, 618, 619; 3R. 688  
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  - Hypothee Abolition (Scotland), 2R. [216] 1861
  - India—Education, [215] 1024
  - Labourers' Cottages (Scotland), 2R. [217] 485
  - Metropolitan Police—Legal Advice, [214] 487
  - Railway and Canal Traffic, Comm. cl. 10, [215] 878
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  - University Tests (Dublin) (No. 3), Comm. [215] 1530
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- a. Presented; read 1<sup>st</sup> June 26 (No. 174)
  - Read 2<sup>nd</sup> July 4
  - Committee: Report July 10, [217] 140
  - Read 3<sup>rd</sup> July 11
  - c. Read 1<sup>st</sup> July 15 [Bill 240]
  - Read 2<sup>nd</sup> July 22
  - Committee: Report July 28
  - Considered\* July 29
  - Read 3<sup>rd</sup> July 30
  - f. Royal Assent August 5 [36 & 37 Vict. c. 91]
- Steam Threshing Machines Bill—**  
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- Threshing Machines Bill**
- STEVENSON, Mr. J. C., South Shields**
- Harbours—Docks and Piers Act, [217] 1332
  - Harbours of Refuge, Motion for a Committee, [215] 1422
  - Railway and Canal Traffic, Comm. cl. 11, Amendt. [215] 383, 385
  - Register for Parliamentary and Municipal Electors, 2R. [214] 1958
  - Salmon Fisheries, 2R. [214] 1374
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- c. Ordered: read 1<sup>st</sup> April 7 [Bill 129]
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  - Committee\*—R.P. June 6
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- Artillery—Cast-iron Guns, Conversion of, [216] 1858
  - Autumn Manoeuvres, [215] 388;—Horse Blankets, [216] 1582;—Extra Allowance to Volunteers, [217] 312;—Billing, 500
  - Carlisle Fort, [216] 839
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  - Glanders at Leeds Barracks, [217] 307
  - Gunpowder, Contracts for, [215] 901, 1880
  - Gunpowder, *Dudley's*, Mr. Invention, [217] 908
  - Medical Department—Dental Surgery, [214] 1095
  - Medical Officers, [215] 2022
  - Military Hospital at Portsea, [216] 840
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  - Officers of H.M.'s Army—Abolition of Purchase, [217] 1561
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  - Sandhurst College—Direct Commissions, [215] 1026
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  - Valise Equipment, The New, [216] 1185
  - Volunteer Officers, [215] 1488
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  - Yeomanry Cavalry—Horse Duty, [215] 2022
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- Army—Military Centres—Oxford, Motion for a Committee, [216] 373, 374
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- Provisions, Forage, &c. [216] 1259, 1260, 1281
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- Works, Buildings, &c. [216] 1278
- Canada, Dominion of—Transfer of Arms, &c. [215] 1079
- Criminal Law—Weaverham Cock-fighting Case, [217] 1561
- Merchant Marine—Distress Ship Signals, [215] 1785
- Navy—Chatham Dockyard—River Wall, [217] 1532, 1562
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**Suez Canal—Increase of Dues**  
 214] Question, Mr. Baillie Cochrane; Answer, Viscount Enfield Feb 18, 369; Question, Mr. Denison; Answer, Viscount Enfield Mar 28, 215] 297; Question, Mr. Baillie Cochrane; Answer, Viscount Enfield Mar 31, 344  
 Moved, "That, the Commerce of this Country being so deeply interested in the uninterrupted navigation of the Suez Canal, it is desirable that Her Majesty's Government should at once give its adhesion to the judicial reforms in Egypt, suggested and approved of by the Representatives of all the European Powers, by which tribunals will be created for the better administration of justice in Egypt, and the adjudication of differences which may arise between British Shipowners and the administrators of the Suez Canal Company" (Mr. Baillie Cochrane) April 1, 451; after short debate, Motion withdrawn  
 Personal Explanation, Mr. Baillie Cochrane April 4, 606

**Sugar Duties—International Conference, 1864**  
 Question, Mr. Grieve; Answer, The Chancellor of the Exchequer Mar 31, [215] 347; April 3, 527; Questions, Mr. Stephen Cave; Mr. J. B. Smith; Answer, The Chancellor of the Exchequer May 9, 1717  
 Minutes on Drawbacks P.P. [706] [861]

**Sunday Trading Prosecutions — Sunday Observation Amendment Act, 1872**  
 Question, Mr. P. A. Taylor; Answer, Mr. Bruce July 7, [216] 1856

**Superannuation Act Amendment Bill**  
 (Mr. William Henry Gladstone, Mr. Baxter)  
 a. Ordered; read 1<sup>o</sup> \* April 21 [Bill 135]  
 Read 2<sup>o</sup> \* May 5  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 8, [215] 1700  
 Amend. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (Mr. Joshua Fielden) v.; Question proposed, "That the words, &c." after short debate, Question put; A. 110, N. 43; M. 67  
 Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report Considered \* May 12  
 Read 3<sup>o</sup> \* May 13  
 Question, Mr. Mellor; Answer, Mr. Gladstone May 16, [216] 15  
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 Read 3<sup>o</sup> \* May 23  
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 Considered in Committee Feb 14—Committee R.P.  
 214] Considered in Committee Feb 17, 563—SUPPLEMENTARY ESTIMATES—NAVAL AND CIVIL SERVICES—ARMY PURCHASE COMMISSION—Resolutions reported Feb 18  
 . Considered in Committee Feb 24, 855—ARMY ESTIMATES—Statement of the Secretary of State for War in introducing the Army Estimates; after debate, Committee R.P.  
 . Considered in Committee Feb 27, 1056—ARMY ESTIMATES—Committee R.P.  
 . Considered in Committee Feb 28, 1123—ARMY ESTIMATES—Resolutions reported Mar 3  
 . Considered in Committee Mar 7, 1591—ARMY ESTIMATES—Resolutions reported Mar 10  
 . Considered in Committee Mar 21, 2055—DEFICIENCIES, 1872-3—CIVIL SERVICES, 1872-3—POST OFFICE—POST OFFICE TELEGRAPH SERVICE—CIVIL SERVICES, £1,842,000 ON ACCOUNT—Resolutions reported Mar 24  
 215] Considered in Committee Mar 24, 32—NAVY ESTIMATES—Statement of the First Lord of the Admiralty (Mr. Goschen) on moving the First Resolution—Resolutions reported Mar 26  
 Considered in Committee Mar 28—POST OFFICE TELEGRAPH SERVICE, £136,000 ON ACCOUNT—Resolution reported Mar 31  
 . Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone April 1, 399  
 . Considered in Committee April 3, 590—NAVY ESTIMATES—Committee R.P.  
 . Considered in Committee April 21, 777—CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC WORKS AND BUILDINGS—Votes 1 to 24—Resolutions reported April 22  
 . Considered in Committee April 25, 1003—CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC WORKS AND BUILDINGS—Votes 24 to 29—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Votes 1 to 7, 9 to 12—Resolutions reported April 28

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- 215] Considered in Committee May 9, 1859—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Votes 29 to 41—Resolutions reported May 5  
. Considered in Committee May 9, 1871—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Votes 1 to 32—Resolutions reported May 12  
. Considered in Committee May 12, 1791—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Vote 8—CLASS III.—LAW AND JUSTICE—Votes 33 to 38—CLASS IV.—EDUCATION, SCIENCE, AND ART—Votes 3 to 16—CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES—Votes 1, 3 to 8—CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, &c.—Votes 1 to 6—CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS—Votes 1 to 3  
CUSTOMS DEPARTMENT—INLAND REVENUE—Resolutions reported May 13  
216] Considered in Committee May 19, 1863—NAVY ESTIMATES—Votes 2 to 9—Resolutions reported May 21  
. Considered in Committee May 23, 1810—ALABAMA CLAIMS—Resolution reported  
. Moved, "That the said Resolution be now read a second time" May 26, 1868; after

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- debate, Question put, and agreed to; Resolution agreed to  
216] Considered in Committee May 26, 1868—NAVY ESTIMATES—Votes 10 to 16—Resolutions reported May 27  
Considered in Committee—R.P. June 6  
Considered in Committee—R.P. June 13  
. Considered in Committee June 23, 1851—ARMY ESTIMATES—Votes 9 to 25—Resolutions reported June 24  
. Considered in Committee June 26, 1851—CIVIL SERVICE ESTIMATES—Votes 1 and 2—CLASS IV.—EDUCATION, SCIENCE, AND ART—Votes 1, 2, 9, and 10—Resolutions reported June 27  
. Considered in Committee June 27, 1866—POST OFFICE PACKET SERVICE—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—Votes 13 and 14—Resolutions reported June 30  
217] Considered in Committee—R.P. July 25  
. Considered in Committee July 28, 1868—CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC WORKS AND BUILDINGS—Resolutions reported July 29  
. Considered in Committee July 28, 1822—SUPPLEMENTARY ESTIMATES—Resolutions reported July 29  
. Considered in Committee July 28, 1851—NAVY ESTIMATES—Resolutions reported July 29

SUMMARY.

| APPROPRIATION OF GRANTS.                                 |           | £           | s. | d. |
|----------------------------------------------------------|-----------|-------------|----|----|
| Deficiencies, 1871-2                                     | ... ...   | 235,989     | 19 | 9  |
| Supplementary, 1872-3                                    | ... ...   | 217,457     | 0  | 0  |
|                                                          | 1873-4.   |             |    |    |
| NAVY SERVICES                                            | ... ...   | 9,899,725   | 0  | 0  |
| ARMY SERVICES                                            | ... ...   | 14,416,100  | 0  | 0  |
| ARMY PURCHASE COMMISSION                                 | ...       | 841,900     | 0  | 0  |
| CIVIL SERVICES—viz.:<br>I. Public Works and<br>Buildings | ... ...   | 1,394,002   |    |    |
| II. Salaries, &c. Pub-<br>lic Departments                | ... ...   | 2,063,383   |    |    |
| III. Law and Justice                                     | 4,345,000 |             |    |    |
| IV. Education, Sci-<br>ence, and Art                     | 2,488,942 |             |    |    |
| V. Colonial and Con-<br>sular Services                   | ... ...   | 672,091     |    |    |
| VI. Superannuation,<br>&c.                               | ... ...   | 527,674     |    |    |
| VII. Miscellaneous                                       | ... ...   | 52,907      |    |    |
|                                                          |           | 11,464,149  | 0  | 0  |
| REVENUE DEPARTMENTS, &c.                                 | ... ...   | 7,369,941   | 0  | 0  |
| ADVANCES FOR GREENWICH Hos-<br>PITAL AND SCHOOL          | ... ...   | 142,901     | 0  | 0  |
| ALABAMA CLAIMS                                           | ... ...   | 8,900,000   | 0  | 0  |
| Total                                                    | ... ...   | £47,788,062 | 19 | 9  |

SUMMARY.

WAYS AND MEANS.

GRANTS OUT OF THE CONSOLIDATED FUND.

| For the service of<br>the years ending<br>31st March 1873<br>and 1873; | £       | s.          | d.  | £       | s. | d. |
|------------------------------------------------------------------------|---------|-------------|-----|---------|----|----|
| Under Act 36 Vic.<br>cap. 3                                            | ... ... | ...         | ... | 453,346 | 19 | 9  |
| For the service of<br>the year ending<br>31st March<br>1874; viz.      |         |             |     |         |    |    |
| Under Act 36 Vic.<br>cap. 3                                            | ... ... | 8,884,000   | 0   | 0       |    |    |
| Under Act 36 Vic.<br>cap. 26                                           | ..      | 12,000,000  | 0   | 0       |    |    |
| Under this Act                                                         | ... ... | 26,470,716  | 0   | 0       |    |    |
| Total                                                                  | ... ... | £47,788,716 | 0   | 0       |    |    |
|                                                                        |         |             |     |         |    |    |
| Total                                                                  | ... ... | £47,788,062 | 19  | 9       |    |    |

DEFICIENCIES 1872-3.

COMMITTEE Mar 21—REPORT Mar 24

| CIVIL SERVICES, viz.,<br>CLASS I. | £       | s.  | d. | Total of<br>Vote | Supply—cont.             | Total of<br>Vote. |
|-----------------------------------|---------|-----|----|------------------|--------------------------|-------------------|
|                                   |         |     |    | £                | s.                       | d.                |
| Furniture of Public Offices       | ... ... | 67  | 12 | 0                | British Museum Buildings | ... ...           |
| Industrial Museum, Edinburgh      | ... ... | 220 | 16 | 2                | Portland Harbour         | ... ...           |

[cont.]

Supply—cont.

|                                                |         |       |    |         |
|------------------------------------------------|---------|-------|----|---------|
| British Embassy Houses, Paris and<br>Madrid    | ... ... | 1,106 | 18 | 0       |
| St. Paul's Cathedral; National<br>Thanksgiving | ... ... | 378   | 1  | 6       |
|                                                |         |       |    | [cont.] |

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*Supply—cont.*

| CLASS II.                                   |     |             | Total of<br>Vote. |
|---------------------------------------------|-----|-------------|-------------------|
| £                                           | s.  | d.          |                   |
| Foreign Office                              | ... | 81 9 11     |                   |
| Charity Commission                          | ... | 69 10 10    |                   |
| Poor Law Commission, England                | ... | 408 19 4    |                   |
| Office of Works and Public Buildings        | ... | 1,038 14 4  |                   |
| Household of the Lord Lieutenant of Ireland | ... | 100 19 0    |                   |
| CLASS III.                                  |     |             |                   |
| Court of Chancery, England                  | ... | 4 2 0       |                   |
| County Courts                               | ... | 16,172 17 8 |                   |
| Land Registry Office, England               | ... | 2 8 1       |                   |
| Court of Probate, Ireland                   | ... | 128 19 10   |                   |
| Registry of Judgments, Ireland              | ... | 18 16 10    |                   |
| County Prisons, Ireland                     | ... | 1,537 7 9   |                   |
| CLASS IV.                                   |     |             |                   |
| Universities, &c. in Scotland               | ... | 121 0 3     |                   |
| CLASS VII.                                  |     |             |                   |
| Temporary Commissions                       | ... | 4,340 19 3  |                   |
| After short debate, Vote agreed to          |     |             |                   |
| [214] 2056                                  |     |             |                   |
|                                             |     | 26,838 11 8 |                   |

REVENUE DEPARTMENTS, viz.

|                                                                                                                |     |                |
|----------------------------------------------------------------------------------------------------------------|-----|----------------|
| Post Office                                                                                                    | ... | £37,775 10 0   |
| Post Office Telegraph Service                                                                                  | ... | £171,775 18 1  |
| Moved, "That a sum, not exceeding £209,551 8s. 1d., be granted, &c."                                           |     | 209,551 8 1    |
| Moved, to report Progress (Mr. Fawcett); after short debate, Question put; A. 23, N. 64; M. 41; Vote agreed to |     | [214] 9056     |
| Report, Explanation, Mr. Solater-Booth, [215] 88                                                               |     |                |
| Total                                                                                                          | ... | £236,689, 19 9 |

SUPPLEMENTARY.

COMMITTEE Feb 17—REPORT Feb 18

| Navy, viz.                                                                                                            | £      |
|-----------------------------------------------------------------------------------------------------------------------|--------|
| Miscellaneous — Reward to Captain Scott, R. N., for his gunnery inventions ...                                        | 6,000  |
| ARMY PURCHASE COMMISSION                                                                                              | 85,000 |
| CIVIL SERVICES, viz.:                                                                                                 |        |
| CLASS I.                                                                                                              |        |
| Harbours, &c. under the Board of Trade                                                                                | 9,620  |
| Metropolitan Police Courts                                                                                            | 3,260  |
| New Palace at Westminster, acquisition of lands                                                                       | 1,250  |
| CLASS II.                                                                                                             |        |
| Printing and Stationery [214] 568                                                                                     |        |
| Moved, "That a sum, not exceeding £51,666, be granted, &c."                                                           |        |
| Moved, "That a sum, not exceeding £31,666, &c." (Mr. Vernon Harcourt); after debate, Motion withdrawn; Vote agreed to | 51,666 |

*Supply—cont.*

| CLASS III.                                                        |     |          | Total of<br>Vote. |
|-------------------------------------------------------------------|-----|----------|-------------------|
| £                                                                 |     |          |                   |
| Police, counties and boroughs (Great Britain)                     | ... | ...      | 14,000            |
| Miscellaneous legal charges, England                              | ... |          | 730               |
| CLASS V.                                                          |     |          |                   |
| Grants in aid of expenditure in certain colonies                  | ... | ...      | 20,000            |
| Tonnage Bounties, &c., and Liberated African Department [214] 571 |     |          | 6,000             |
| After short debate, Vote agreed to                                |     |          |                   |
| CLASS VII.                                                        |     |          |                   |
| Mediterranean Extension Telegraph Company                         | ... | ...      | 1,395             |
| Repayments to civil contingencies                                 | ... |          | 18,536            |
| After short debate, Vote agreed to                                |     |          |                   |
| [214] 572                                                         |     |          |                   |
| Total                                                             | ... | £217,457 |                   |

NAVY ESTIMATES, 1873-4.

COMMITTEE Mar 24—REPORT Mar 26

|                                                                                                                                                                                                                                                                                                                   |     |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------|
| 60,000 Men and Boys—Statement of the First Lord of the Admiralty (Mr. Goschen) on moving a Resolution "That 60,000 Men and Boys be employed for the Sea and Coastguard Service for the year ending 31st March, 1874, including 14,000 Royal Marines" Mar 24, [215] 32; after Numbers, long debate, Vote agreed to | ... | 60,000    |
|                                                                                                                                                                                                                                                                                                                   |     |           |
| Total of<br>Vote.                                                                                                                                                                                                                                                                                                 |     |           |
| £                                                                                                                                                                                                                                                                                                                 |     |           |
| (1.) Wages to Seamen and Marines                                                                                                                                                                                                                                                                                  | ... | 2,629,884 |

COMMITTEE April 3—R.P.

COMMITTEE May 19—REPORT May 21

|                                                                                                                        |           |
|------------------------------------------------------------------------------------------------------------------------|-----------|
| (2.) Victuals and Clothing for ditto...                                                                                | 1,035,719 |
| (3.) Admiralty Office [216] 103                                                                                        | 174,983   |
| After long debate, Vote agreed to                                                                                      |           |
| (4.) Coast Guard Service, Royal Naval Coast Volunteers, and Royal Naval Reserve [216] 128                              |           |
| Moved, "That a sum, not exceeding £167,575, be granted, &c."                                                           |           |
| Moved, "That a sum, not exceeding £183,036, &c." (Admiral Erskine); after debate, Motion withdrawn; Vote agreed to     | 167,575   |
| (5.) Scientific Branch [216] 127                                                                                       | 86,654    |
| After short debate, Vote agreed to                                                                                     |           |
| (6.) Dockyards and Naval Yards at Home and Abroad [216] 131                                                            |           |
| Moved, "That a sum, not exceeding £1,115,080, be granted, &c."                                                         |           |
| Moved, "That a sum, not exceeding £1,065,080, &c." (Mr. Rylands); after long debate, Motion withdrawn                  |           |
| Moved, "That a sum, not exceeding £1,100,080, &c." (Lord Henry Lennox); after debate, Motion withdrawn; Vote agreed to | 1,115,080 |
| [216] 143                                                                                                              |           |

[cont.]

[cont.]

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*Supply*—cont.

|                                                                                                                                             | Total of<br>Vote.<br>£ |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (7.) Victualling Yards at Home and<br>Abroad ... ... ...                                                                                    | 70,935                 |
| (8.) Medical Establishments at Home<br>and Abroad ... ... ...                                                                               | 62,214                 |
| (9.) Marine Divisions ... ... ...                                                                                                           | 18,683                 |
| <b>COMMITTEE May 26—Report May 27</b>                                                                                                       |                        |
| (10.) Naval Stores for the Building,<br>Repair, and Outfit of the Fleet and<br>Coast Guard, Steam Machinery and<br>Ships built by Contract: |                        |
| Section I. Naval Stores<br>After debate, Vote agreed to ... 1,072,380<br>[216] 436                                                          |                        |
| Section II. Steam Machinery and<br>Ships built by Contract<br>After debate, Vote agreed to ... 609,866<br>[216] 447                         |                        |
| (11.) New Works, Buildings, Machinery,<br>and Repairs ... ... [216] 451                                                                     | 682,218                |
| After short debate, Vote agreed to                                                                                                          |                        |
| (12.) Medicines and Medical Stores ... 70,800                                                                                               |                        |
| After short debate, Vote agreed to ... [216] 453                                                                                            |                        |
| (13.) Martial Law and Law Charges ... 16,080                                                                                                |                        |
| (14.) Miscellaneous Services [216] 453                                                                                                      | 105,288                |
| After short debate, Vote agreed to                                                                                                          |                        |
| <b>Total for the Effective Service</b> ... 7,917,859                                                                                        |                        |
| (15.) Half Pay, Reserved Half Pay, and<br>Retired Pay to Officers of the Navy<br>and Royal Marines [216] 453                                |                        |
| Moved, "That a sum, not exceeding<br>£847,462, be granted, &c.;" after<br>Explanation, Motion withdrawn                                     |                        |
| <b>Comm. July 28—Vote agreed to—</b>                                                                                                        |                        |
| <b>Report July 29</b> ... 847,463                                                                                                           |                        |
| (16.) Military and Civil Pensions and<br>Allowances:                                                                                        |                        |
| Section I. Military Pensions<br>and Allowances ... 643,216                                                                                  |                        |
| Section II. Civil Pensions and<br>Allowances ... 296,448                                                                                    |                        |
| <b>Total for the Naval Service</b> ... 9,704,985                                                                                            |                        |

|                                                                    |         |
|--------------------------------------------------------------------|---------|
| <b>COMMITTEE July 28—REPORT July 30</b>                            |         |
| <b>FOR THE SERVICE OF OTHER DEPART-</b>                            |         |
| <b>MENTS OR GOVERNMENT.</b>                                        |         |
| (17.) Army Department (Conveyance<br>of Troops) ... ... ...        | 167,740 |
| Resolution reported July 30, and,<br>after short debate, agreed to |         |
| [217] 1285                                                         |         |
| <b>Total NAVY ESTIMATES</b> ... £9,872,725                         |         |

*SUPPLEMENTARY.*

|                                                                                                                                                                          |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <b>COMMITTEE July 28—REPORT July 30</b>                                                                                                                                  |        |
| (5.) Scientific Branch—Royal Naval<br>College, Greenwich [217] 1286                                                                                                      | 12,000 |
| Resolution reported July 30, and,<br>after short debate, agreed to                                                                                                       |        |
| (15.) Half Pay—Increase of Retired<br>Pay to certain Officers [217] 1151                                                                                                 |        |
| Moved, "That a Supplementary sum,<br>not exceeding £15,000, be granted,<br>&c.;" after short debate, Question<br>put; A. 69, N. 30; M. 89; Vote<br>agreed to ... ... ... | 15,000 |

**Grand Total NAVY ESTIMATES** ... £9,899,725

[cont.]

**ARMY ESTIMATES, 1873-74.**

**COMMITTEE Feb 24**

Statement of the Secretary of State  
for War (*Mr. Cardwell*) on moving  
Resolution (a), "That a number  
of Land Forces not exceeding  
128,968 be maintained for the Ser-  
vice, &c. from the 1st day of April  
1873, to the 31st day of March  
1874" [214] 855

After short debate, Committee a.r.

**COMMITTEE Feb 27**

Question again proposed, "That a  
number of Land Forces, not ex-  
ceeding 128,968, &c."

Motion made, and Question proposed,  
"That a number of Land Forces,  
not exceeding 118,968, &c." (*Mr.*  
*W. Fowler*); after long debate,  
Committee a.r. [214] 1056

**COMMITTEE Feb 28**

Original Question again proposed;  
whereon Question (*Mr. W. Fowler*)  
again proposed; after further long  
debate, Question put; A. 43,  
N. 188; M. 115 [214] 1123

Original Question put, and agreed to

**NUMBERS.**

**Numbers**

|                                                                                                                                           |                |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| (a.) Total number of Men, exclusive<br>of the Staff of Brigade Depots to<br>be formed from permanent Staff of<br>Auxiliary Forces ... ... | 135,004        |
| Staff of Brigade Depots to be formed<br>from Staff of Auxiliary Forces ...                                                                | 3,964          |
| <b>Total number of Men upon the<br/>British Establishment</b> ...                                                                         | <b>138,968</b> |

**I. REGULAR FORCES.**

|                                                                       |             |
|-----------------------------------------------------------------------|-------------|
| (1.) General Staff and Regimental<br>Pay, Allowances, and Charges ... | £ 5,072,500 |
| After short debate, Vote agreed to                                    |             |
| [214] 1156                                                            |             |
| (2.) Divine Service ... ...                                           | 46,800      |
| (3.) Administration of Military Law                                   | 27,000      |
| (4.) Medical Establishments and Ser-<br>vices ... ... ...             | 247,400     |

**II. AUXILIARY AND RESERVE FORCES.**

|                                                                                                                                                         |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (5.) Militia Pay and Allowances                                                                                                                         |         |
| Moved, "That a sum, not exceeding<br>£815,400, be granted, &c."                                                                                         |         |
| Moved, "That a sum, not exceeding<br>£785,400, &c." ( <i>Colonel Wilson-<br/>Patten</i> ); after short debate, Ques-<br>tion put; A. 32, N. 137; M. 106 |         |
| Vote agreed to [214] 1155                                                                                                                               | 815,400 |
| (6.) Yeomanry Cavalry [214] 1157                                                                                                                        | 78,900  |
| After short debate, Vote agreed to                                                                                                                      |         |
| (7.) Volunteer Corps [214] 1158                                                                                                                         | 490,800 |
| After short debate, Vote agreed to                                                                                                                      |         |
| (8.) Army Reserve Force (including<br>Enrolled Pensioners) ...                                                                                          | 123,200 |
| Resolutions reported Mar 3                                                                                                                              |         |

[cont.]

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214—215—216—217.

*Supply*—cont.

COMMITTEE June 23—REPORT June 24

III.—CONTROL ESTABLISHMENTS AND SERVICES.

- (9.) Control Establishments, Wages, &c. ... [216] 1261 889,000  
After debate, Vote agreed to  
(10.) Provisions, Forage, Fuel, Transport, and other Services ... 1,980,700  
After short debate, Vote agreed to [216] 1269  
(11.) Clothing Establishments, Services, and Supplies [216] 1262 743,100  
After short debate, Vote agreed to  
(12.) Supply, Manufacture, and Repair of Warlike and other Stores ... 1,070,000  
Moved, "That a sum, not exceeding £1,070,000, be granted, &c."  
Moved, "That a sum, not exceeding £970,000, do." (Mr. Gregory); after debate, Motion withdrawn; Vote agreed to [216] 1263

IV.—WORKS AND BUILDINGS.

- (13.) Superintending Establishment of, and Expenditure for, Works, Buildings, and Repairs, at Home and Abroad ... [216] 1278 778,000  
After debate, Vote agreed to

V.—VARIOUS SERVICES.

- (14.) Establishments for Military Education ... [216] 1280 133,900  
Moved, "That a sum, not exceeding £133,900, be granted, &c."  
Moved, "That a sum, not exceeding £116,911, do." (Captain Archdale); after short debate, Question put, and negatived; Vote agreed to  
(15.) Miscellaneous Services ... 29,300  
After short debate, Vote agreed to [216] 1286  
(16.) Administration of the Army  
Moved, "That a sum, not exceeding £200,500, be granted, &c."  
Moved, "That a sum, not exceeding £199,600, do." (Mr. Anderson); after debate, Motion withdrawn  
Moved, "That a sum, not exceeding £200,200, do." (Mr. Secretary Cardwell); after further debate, Vote agreed to [216] 1287 300,200

Total Effective Services £12,165,700

VI.—NON-EFFECTIVE SERVICES.

- (17.) Rewards for Distinguished Services, &c. ... 85,400  
(18.) Pay of General Officers ... 80,000  
(19.) Full Pay of Reduced and Retired Officers and Half-pay ... 527,900  
(20.) Widows' Pensions, &c. ... 147,300  
(21.) Pensions for Wounds ... 16,400  
(22.) Chelsea and Kilmainham Hospitals (In-Pensions) ... 36,600  
(23.) Out-Pensions ... 1,314,500  
(24.) Superannuation Allowances ... 172,100  
After short debate, Vote agreed to [216] 1297

Total of Vote. *Supply*—cont.

(25.) Militia, Yeomanry, Cavalry, and Volunteer Corps [216] 1298 20,200

After short debate, Vote agreed to  
*Losses Written off as Irrecoverable* ... ... —

Total Non-Effective Services £2,250,400

Total Effective and Non-Effective Services ... ... £14,416,100

Total Amount of Estimate, 1873-4 14,416,100

Deduct Estimated Exchequer Extra Receipts ... ... 1,185,000

Net Charge for Army Services, 1873-74 ... ... £13,231,100

COMMITTEE Mar 7—REPORT Mar 10

ARMY PURCHASE COMMISSION.

For the establishment of, and expenditure to be incurred by, the Army Purchase Commissioners, and for the purchase of the remaining Commissions of gentlemen-at-arms ... £ 841,900

CIVIL SERVICE ESTIMATES, 1873-74.

\* The Votes marked † are "to complete sums" for the several Services named.

CLASS I.—PUBLIC WORKS AND BUILDINGS.

COMMITTEE April 21—REPORT April 22 Total of Vote.

GREAT BRITAIN: £

(1.) † £25,615, Royal Palaces ... 30,615  
(2.) † £83,727, Royal Parks ... 100,727

After short debate, Vote agreed to [215] 777

(3.) † £128,431, Public Buildings ... 153,431  
After short debate, Vote agreed to [215] 778

(4.) † £12,000, Furniture of Public Offices ... [215] 779 14,500  
After short debate, Vote agreed to

(5.) † £35,670, Houses of Parliament  
Moved, "That a sum, not exceeding £25,870, be granted, &c."

Moved, "That the Item of £724,

rent of residence of Clerk of the Parliaments, be omitted" (Mr. Anderson); after debate, Motion withdrawn  
Moved, "That the Item be reduced by the sum of £224" (Mr. Muntz); after further debate, A. 56, N. 85; M. 29; after further short debate, Vote agreed to [215] 779

(6.) † £48,000, New Home and Colonial Offices ... [215] 785 30,870

After short debate, Vote agreed to

(7.) † £11,840, Sheriff Court Houses, Scotland ... ... 58,000

(8.) † £35,420, National Gallery Enlargement ... ... 14,340

(9.) † £16,500, Glasgow University ... ... 42,420

20,000

[cont.]

[cont.]

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214—215—216—217.

*Supply*—cont.

|                                                                                                                       |         |
|-----------------------------------------------------------------------------------------------------------------------|---------|
| (10.) £7,700, Industrial Museum, Edinburgh ...                                                                        | 9,200   |
| (11.) £24,182, Burlington House ...                                                                                   | 29,182  |
| (12.) £120,607, Post Office and Inland Revenue Buildings [215] 786<br>After short debate, Vote agreed to              | 156,607 |
| (13.) £4,547, British Museum Buildings ...                                                                            | 5,547   |
| (14.) £30,805, County Courts ...                                                                                      | 36,805  |
| (15.) £16,773, Science and Art Department ...                                                                         | 19,773  |
| (16.) £107,210, Surveys of the United Kingdom ...                                                                     | 129,210 |
| After short debate, Vote agreed to                                                                                    |         |
| (17.) £13,547, Harbours of Refuge<br>After short debate, Vote agreed to                                               | 16,547  |
| [215] 787                                                                                                             | 200     |
| (18.) £150, Portland Harbour ...                                                                                      | 10,000  |
| (19.) £7,500, Metropolitan Fire Brigade ...                                                                           | 87,353  |
| (20.) £31,363, Rates on Government Property ...                                                                       | 4,651   |
| After short debate, Vote agreed to                                                                                    |         |
| (21.) £3,901, Wellington Monument<br>After debate, Vote agreed to                                                     | 11,010  |
| [215] 788                                                                                                             | 80,000  |
| (22.) £67,000, Natural History Museum ...                                                                             | 68,800  |
| After short debate, Vote agreed to                                                                                    |         |
| (23.) £9,010, Metropolitan Police Courts                                                                              | 9,000   |
| Moved, "That a sum, not exceeding £9,010, be granted, &c.;" after short debate, A. 80, N. 65; M. 16; Vote agreed to   | 763     |
| (24.) £57,800, New Courts of Justice, &c....                                                                          | 23,560  |
| Moved, "That a sum, not exceeding £57,800, be granted, &c."                                                           |         |
| Moved to report Progress ( <i>Mr. Basset</i> ); after short debate, Question put, and agreed to                       |         |
| Comm. July 28—Original Question again proposed, and, after short debate, agreed to; Vote agreed to<br>—Report July 28 |         |
| COMMITTEE April 25—Report April 28                                                                                    |         |
| (25.) £7,500, Anstruther Harbour ...                                                                                  | 9,000   |
| After short debate, Vote agreed to                                                                                    |         |
| [215] 1008                                                                                                            | 900     |
| (26.) £763, Ramsgate Harbour ...                                                                                      | 61,863  |
| IRELAND:                                                                                                              |         |
| (27.) £130,308, Public Buildings ...                                                                                  | 156,308 |
| After short debate, Vote agreed to                                                                                    |         |
| [215] 1004                                                                                                            | 156,308 |
| ABROAD:                                                                                                               |         |
| (28.) £19,560, Lighthouses Abroad<br>After short debate, Vote agreed to                                               | 23,560  |
| [215] 1005                                                                                                            | 23,560  |
| (29.) £700, Embassy Houses, Paris and Madrid ...                                                                      | 900     |
| (30.) £51,863, Embassy Houses and Consular Buildings, Constantinople, China, Japan, and Tehran                        | 61,863  |
| After short debate, Vote agreed to                                                                                    |         |
| [215] 1006                                                                                                            | 61,863  |
| Total ... \$1,831,762                                                                                                 |         |

[cont.]

*Supply*—cont.

| SUPPLEMENTARY 1873-4.                                                                                                                                        |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| COMMITTEE July 28—REPORT July 30                                                                                                                             |                   |
| Metropolitan Police Courts ...                                                                                                                               | 15,000            |
| New Palace at Westminster—Acquisition of Land, and Embankment ...                                                                                            | 8,500             |
| Vienna and Washington Embassies ...                                                                                                                          | 28,740            |
| Dover Harbour ...                                                                                                                                            | 10,000            |
| After short debate, Vote agreed to                                                                                                                           |                   |
| Question, Mr. Rylands; Answer, Mr. Chichester Fortescue July 31, [217] 1834                                                                                  |                   |
| Total Civil Services, Class I. ...                                                                                                                           | <u>£1,394,002</u> |
| CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.                                                                                                       |                   |
| ENGLAND:                                                                                                                                                     |                   |
| COMMITTEE April 25—REPORT April 28                                                                                                                           |                   |
| (1.) £37,675, House of Lords Offices                                                                                                                         | 45,175            |
| (2.) £40,482, House of Commons Offices ...                                                                                                                   | 48,482            |
| After short debate, Vote agreed to                                                                                                                           |                   |
| (3.) £46,713, Treasury and Subordinate Department ...                                                                                                        | 56,213            |
| (4.) £77,330, Home Office and Subordinate Departments [215] 1007                                                                                             | 92,830            |
| After short debate, Vote agreed to                                                                                                                           |                   |
| (5.) £61,885, Foreign Office ...                                                                                                                             | 62,985            |
| (6.) £26,282, Colonial Office ...                                                                                                                            | 31,582            |
| (7.) £26,075, Privy Council Office and Subordinate Departments ...                                                                                           | 31,675            |
| (8.) Board of Trade and Subordinate Departments                                                                                                              |                   |
| Moved, "That a sum, not exceeding £84,778, be granted, &c."                                                                                                  |                   |
| Moved, to omit the item of £500, Salary of Inspector of Oyster Fisheries ( <i>Mr. McLaren</i> ); after short debate, A. 23, N. 87; M. 64; Vote agreed to ... |                   |
| [215] 1008                                                                                                                                                   | 101,778           |
| COMMITTEE May 12—REPORT May 13                                                                                                                               |                   |
| (9.) £2,279, Privy Seal Office                                                                                                                               |                   |
| Moved, "That a sum, not exceeding £2,279, be granted, &c.;" after debate, A. 229, N. 59; M. 170; Vote agreed to                                              |                   |
| [215] 1791                                                                                                                                                   | 2,779             |
| COMMITTEE April 25—REPORT April 28                                                                                                                           |                   |
| (10.) £16,385, Charity Commission                                                                                                                            |                   |
| Moved, "That a sum, not exceeding £16,385, be granted, &c."                                                                                                  |                   |
| Moved, "That a sum, not exceeding £16,185, &c." ( <i>Mr. Slater-Booth</i> ); after short debate, A. 67, N. 76; M. 9; Vote agreed to                          |                   |
| [215] 1013                                                                                                                                                   | 19,385            |
| (11.) £17,421, Civil Service Commission ...                                                                                                                  |                   |
| [215] 1015                                                                                                                                                   | 20,921            |
| After short debate, Vote agreed to                                                                                                                           |                   |
| (12.) £15,354, Copyhold, Inclosure, and Tithe Commission ...                                                                                                 |                   |
| [215] 1015                                                                                                                                                   | 18,354            |
| (13.) £7,160, Inclosure and Drainage Acts Expenses ...                                                                                                       |                   |
| [215] 1006                                                                                                                                                   | 8,650             |
| (14.) £36,476, Exchequer and Audit Department ...                                                                                                            |                   |
| [215] 1006                                                                                                                                                   | 43,676            |
| [cont.]                                                                                                                                                      |                   |

## SUP SUP SESSION 1873 SUP SUP

214—215—216—217.

## Supply—cont.

|                                                                                                                        | Total of Votes. |
|------------------------------------------------------------------------------------------------------------------------|-----------------|
| (15.) £1,995, Registrars of Friendly Societies                                                                         | £ 2,395         |
| (16.) £46,450, General Register Office                                                                                 | 55,750          |
| After short debate, Vote agreed to                                                                                     | [215] 1016      |
| (17.) £339,803, Local Government Board                                                                                 | 407,808         |
| After debate, Vote agreed to                                                                                           | [215] 1017      |
| (18.) £12,385, Lunacy Commission                                                                                       | 14,835          |
| (19.) £43,850, Mint                                                                                                    | 52,350          |
| (20.) £14,795, National Debt Office                                                                                    | 17,795          |
| (21.) £23,456, Patent Office                                                                                           | 26,456          |
| After short debate, Vote agreed to                                                                                     | [215] 1018      |
| (22.) £21,506, Paymaster General's Office                                                                              | 25,506          |
| (23.) £19,081, Public Record Office                                                                                    | 22,881          |
| (24.) £8,764, Public Works Loan Commission                                                                             | 4,564           |
| (25.) £365,703, Stationery Office and Printing                                                                         | 438,708         |
| Moved, "That a sum, not exceeding £365,703, be granted, &c."                                                           |                 |
| Moved, "That a sum, not exceeding £365,703, be granted, &c." (Mr. Collan); Question put, and negatived; Vote agreed to | [215] 1022      |
| (26.) £20,381, Woods, Forests, &c., Office of                                                                          | 24,381          |
| (27.) £35,072, Works and Public Buildings, Office of                                                                   | 42,072          |
| (28.) £20,000, Secret Service                                                                                          | 24,000          |
| Moved, "That a sum, not exceeding £20,000, be granted, &c.; after short debate, A. 83, N. 22; M. 61; Vote agreed to    | [215] 1022      |

## COMMITTEE May 2—REPORT May 5

## SCOTLAND:

|                                                                                                                                               |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (29.) £5,247, Exchequer and other Offices                                                                                                     |            |
| Moved, "That a sum, not exceeding £5,247, be granted, &c."                                                                                    |            |
| Moved, "That the Item of £217 13s. be reduced by the sum of £197 13s." (Mr. Bowring); after short debate, A. 52, N. 68; M. 11; Vote agreed to | [215] 1453 |
| (30.) £10,602, Fishery Board                                                                                                                  | 12,512     |
| (31.) £6,054, General Register Office                                                                                                         | 7,554      |
| (32.) £4,945, Lunacy Commission                                                                                                               | 5,945      |
| (33.) £15,192, Poor Law Commission                                                                                                            | 18,192     |
| After short debate, Vote agreed to                                                                                                            | [215] 1455 |

## IRELAND:

|                                                                                                                                         |            |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|
| (34.) £5,791, Lord Lieutenant's Household                                                                                               | 6,941      |
| Moved, "That a sum, not exceeding £5,791, be granted, &c."                                                                              |            |
| Moved, "That the Item of £1,582 for Queen's Plates be omitted" (Mr. Trevelyan); after short debate, A. 43, N. 65; M. 22; Vote agreed to | [215] 1456 |
| (35.) £24,215, Chief Secretary's Office                                                                                                 | 29,215     |
| (36.) £250, Boundary Survey                                                                                                             | 300        |

## Supply—cont.

|                                                        | Total of Vote. |
|--------------------------------------------------------|----------------|
| (37.) £1,985, Charitable Donations and Bequests Office | £ 2,385        |
| (38.) £23,096, General Register Office                 | 27,696         |
| (39.) £91,200, Poor Law Commission                     | 109,300        |
| (40.) £4,894, Public Record Office                     | 5,294          |
| (41.) £22,326, Public Works Office                     | 26,826         |

Total Civil Services Class II. ... £2,003,983

## CLASS III.—LAW AND JUSTICE.

## COMMITTEE May 9—REPORT May 12

## ENGLAND:

|                                                                          |            |
|--------------------------------------------------------------------------|------------|
| (1.) £44,925, Law Charges                                                | £ 63,925   |
| After short debate, Vote agreed to                                       | [215] 1771 |
| (2.) £158,275, Criminal Prosecutions                                     | 190,275    |
| After short debate, Vote agreed to                                       | [215] 1772 |
| (3.) £148,778, Court of Chancery                                         | 172,278    |
| After short debate, Vote agreed to                                       | [215] 1773 |
| (4.) £51,887, Common Law Courts                                          | 61,887     |
| After short debate, Vote agreed to                                       | [215] 1775 |
| (5.) £31,478, Court of Bankruptcy                                        |            |
| Moved, "That a sum, not exceeding £31,478, be granted, &c."              |            |
| Moved to report Progress (Mr. Whalley); Motion withdrawn; Vote agreed to | [215] 1776 |
| (6.) £364,984, County Courts                                             | 437,984    |
| (7.) £76,424, Probate Court                                              | 91,424     |
| After short debate, Vote agreed to                                       | [215] 1776 |
| (8.) £10,499, Admiralty Court Registry                                   | 12,499     |
| (9.) £4,450, Land Registry Office                                        | 5,350      |
| (10.) £11,663, Police Courts (London and Sheerness)                      | 18,993     |
| (11.) £191,482, Metropolitan Police                                      | 229,982    |
| (12.) £315,000, County and Borough Police, Great Britain                 | 335,000    |
| (13.) £324,593, Convict Establishments in England and the Colonies       | 449,593    |
| (14.) £90,820, County Prisons, Great Britain                             | 108,820    |
| (15.) £186,000, Reformatory and Industrial Schools, Great Britain        | 223,000    |
| (16.) £25,492, Broadmoor Criminal Lunatic Asylum                         | 30,492     |
| (17.) £14,850, Miscellaneous Legal Charges                               | 17,850     |

## SCOTLAND:

|                                           |            |
|-------------------------------------------|------------|
| (18.) £56,290, Criminal Proceedings       | £ 67,290   |
| After short debate, Vote agreed to        | [215] 1777 |
| (19.) £47,754, Courts of Law and Justice  | £ 57,754   |
| (20.) £26,118, Register House Departments | 31,118     |
| (21.) £19,793, Prisons                    | 23,793     |

## IRELAND:

|                                                      |          |
|------------------------------------------------------|----------|
| (22.) £65,231, Law Charges and Criminal Prosecutions | £ 78,231 |
| (23.) £37,550, Court of Chancery                     | 45,050   |
| (24.) £23,552, Common Law Courts                     | 28,552   |

[cont.]

[cont.]

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214-215-216-217.

*Supply—cont.*

|                                                           |            |
|-----------------------------------------------------------|------------|
| (25.) + £6,761, Court of Bankruptcy and Insolvency ...    | 8,161      |
| (26.) + £10,931, Landed Estates Court ...                 | 12,931     |
| (27.) + £9,663, Probate Court ...                         | 11,663     |
| (28.) + £1,775, Admiralty Court Registry ...              | 2,075      |
| (29.) + £18,650, Registry of Deeds ...                    | 16,150     |
| (30.) + £2,620, Registry of Judgments ...                 | 3,120      |
| (31.) + £94,967, Dublin Metropolitan Police ...           | [215] 1777 |
| After short debate, Vote agreed to                        |            |
| (32.) + £819,729, Constabulary ...                        | 983,729    |
| After short debate, Vote agreed to                        |            |
|                                                           | [215] 1778 |
| (33.) + £88,685, Government Prisons and Reformatories ... | 40,185     |
| (34.) + £63,463, County Prisons ...                       | 76,463     |
| (35.) + £4,409, Dundrum Criminal Lunatic Asylum ...       | 5,809      |
| (36.) + £1,960, Four Courts, Marshalsea, Prison ...       | 2,360      |
| (37.) + £47,100, Miscellaneous Legal Charges ...          | 56,609     |
| Total ...                                                 | £4,186,885 |

*SUPPLEMENTARY 1873-4.*

|                                                                                         |            |
|-----------------------------------------------------------------------------------------|------------|
| COMMITTEE July 28—REPORT July 30 Convict Establishments in England and the Colonies ... | 5,000      |
| Dublin Metropolitan Police ...                                                          | 26,000     |
| Constabulary of Ireland ...                                                             | 153,750    |
| Miscellaneous Legal Charges, Ireland ...                                                | 23,725     |
| Total Civil Services Class III. ...                                                     | £4,345,060 |

*CLASS IV.—EDUCATION, SCIENCE, AND ART.*

|                                                                   |            |
|-------------------------------------------------------------------|------------|
| COMMITTEE June 28—REPORT June 27 GREAT BRITAIN:                   | £          |
| (1.) + £1,083,803, Public Education ...                           | 1,299,603  |
| After long debate, Vote agreed to                                 |            |
|                                                                   | [216] 1451 |
| (2.) + £218,503, Science and Art Department ...                   | [216] 1464 |
| After short debate, Vote agreed to                                | 262,503    |
| COMMITTEE May 12—REPORT May 13 (3.) + £85,061, British Museum ... | 102,061    |
| After short debate, Vote agreed to                                |            |
|                                                                   | [215] 1794 |
| (4.) + £5,045, National Gallery ...                               | 6,045      |
| (5.) + £1,500, National Portrait Gallery ...                      | 2,000      |
| (6.) + £10,450, Learned Societies ...                             | 12,450     |
| After short debate, Vote agreed to                                |            |
|                                                                   | [215] 1795 |
| (7.) + £8,081, University of London ...                           | 9,681      |
| (8.) + £7,595, Endowed Schools Commission ...                     | [214] 1796 |
| After short debate, Vote agreed to                                | 9,095      |

COMMITTEE June 28—REPORT June 27

|                                        |            |
|----------------------------------------|------------|
| SCOTLAND:                              |            |
| (9.) + £129,412, Public Education ...  | 155,413    |
| After short debate, Vote agreed to     |            |
|                                        | [216] 1464 |
| (10.) + £4,610, Board of Education ... | 5,610      |

*Supply—cont.*

|                                                                |                |
|----------------------------------------------------------------|----------------|
| Total of Vote.                                                 | Total of Vote. |
| COMMITTEE May 12—REPORT May 13                                 | £              |
| (11.) + £16,428, Universities, &c., in Scotland ...            | 18,428         |
| (12.) + £1,750, National Gallery, Scotland ...                 | 2,190          |
| COMMITTEE June 27—REPORT June 30                               |                |
| IRELAND:                                                       |                |
| (13.) + £452,222, Public Education ...                         | 542,222        |
| After short debate, Vote agreed to                             |                |
|                                                                | [216] 1503     |
| (14.) + £555, Commissioners of Education (Endowed Schools) ... | 655            |
| COMMITTEE May 12—REPORT May 13                                 |                |
| (15.) + £1,980, National Gallery ...                           | 2,380          |
| (16.) + £1,734, Royal Irish Academy ...                        | 2,084          |
| (17.) + £3,286, Queen's University ...                         | 3,936          |
| (18.) + £3,476, Queen's Colleges ...                           | 4,176          |
| Total ...                                                      | £2,440,442     |

*SUPPLEMENTARY 1873-4.*

|                                                     |            |
|-----------------------------------------------------|------------|
| COMMITTEE July 28—REPORT July 30 British Museum ... | ... 27,000 |
| National Gallery ...                                | ... 1,500  |
| Total Civil Services, Class IV. ...                 | £2,468,942 |

*CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.*

|                                                                                                                          |            |
|--------------------------------------------------------------------------------------------------------------------------|------------|
| (1.) + £231,203, Diplomatic Services Moved, "That a sum, not exceeding £231,203, be granted, &c."                        | £          |
| Moved, That a sum, not exceeding £226,908, &c." (Mr. Rylands); after debate, Question put, and negatived; Vote agreed to |            |
|                                                                                                                          | [215] 1797 |
| 277,203                                                                                                                  |            |
| COMMITTEE July 28—REPORT July 29 (2.) + £207,445, Consular Services ...                                                  | 248,945    |
| COMMITTEE May 12—REPORT May 13 (3.) + £40,030, Colonies, Grants-in-Aid ...                                               |            |
|                                                                                                                          | [215] 1806 |
| 48,030                                                                                                                   |            |
| After debate, Vote agreed to                                                                                             |            |
| (4.) + £3,016, Orange River Territory and St. Helena ...                                                                 | 3,816      |
| (5.) + £72, Slave Trade, Commissions for Suppression of ...                                                              | 122        |
| (6.) + £11,229, Tonnage Bounties, &c. After short debate, Vote agreed to                                                 | 13,429     |
|                                                                                                                          | [215] 1818 |
| (7.) + £4,429, Emigration [215] 1814 ...                                                                                 | 5,329      |
| After short debate, Vote agreed to                                                                                       |            |
| (8.) + £4,200, Treasury Chest ...                                                                                        | 5,000      |
| Total ...                                                                                                                | £601,074   |

*SUPPLEMENTARY 1873-4.*

|                                                          |            |
|----------------------------------------------------------|------------|
| COMMITTEE July 28—REPORT July 29 Diplomatic Services ... | ... 3,711  |
| Colonies, Grants in aid of ...                           | ... 61,706 |
| Tonnage Bounties, &c. ...                                | ... 16,000 |
| Total Civil Services Class V. ...                        | £672,091   |

[cont.]

[cont.]

SUP SUP (SESSION 1873) SUP SUP

214-215-216-217.

*Supply—cont.*

**CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER SERVICES.**

Total of  
Vote.

**COMMITTEE May 19—REPORT May 13.**

|                                                                          |                 |
|--------------------------------------------------------------------------|-----------------|
| (1.) £317,998, Superannuation and Retired Allowances ... [215] 1814      | 423,896         |
| After short debate, Vote agreed to                                       |                 |
| (2.) £33,588, Merchant Seamen's Fund Pensions, &c. ...                   | 49,288          |
| (3.) £27,500, Relief of Distressed British Seamen ...                    | 33,000          |
| (4.) £15,750, Hospitals and Infirmaries, Ireland ...                     | 18,850          |
| (5.) £4,618, Miscellaneous Charitable Allowances, &c., Great Britain ... | 5,616           |
| (6.) £4,924, Miscellaneous Charitable Allowances, &c. Ireland ...        | 5,924           |
| <b>Total Civil Services Class VI. ...</b>                                | <b>£527,874</b> |

**CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.**

**COMMITTEE May 12—REPORT May 13.**

|                                                                                                                                      |                |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------|
| (1.) £14,027, Temporary Commissions ... [215] 1816                                                                                   |                |
| Moved, "That a sum, not exceeding £14,027, be granted, &c."                                                                          |                |
| Moved, "That a sum, not exceeding £13,727, &c." (Mr. Rylands); after short debate, Motion withdrawn; Vote agreed to ...              | £ 17,027       |
| (2.) £2,545, Deep Sea Exploring Expedition ...                                                                                       | 8,045          |
| (3.) £5,165, Miscellaneous Expenses ...                                                                                              |                |
| Moved, "That a sum, not exceeding £5,165, be granted, &c."                                                                           |                |
| Moved, "That a sum, not exceeding £4,165, &c." (Mr. Monk); after short debate, Question put; A. 12, N. 54; M. 48; Vote agreed to ... | 6,165          |
| [215] 1818                                                                                                                           |                |
| <b>Total ...</b>                                                                                                                     | <b>£26,237</b> |

**SUPPLEMENTARY 1873-4.**

**COMMITTEE July 28—REPORT July 30**

|                                            |                |
|--------------------------------------------|----------------|
| Temporary Commissions ...                  | 14,000         |
| Miscellaneous Expenses ...                 | 7,000          |
| Repayment of Kensington Station, &c.       |                |
| Railway Deposit ...                        | 5,760          |
| <b>Total Civil Services Class VII. ...</b> | <b>£52,997</b> |

**SUPPLEMENTARY, 1873-4 (Re-Capitulation)**

**COMMITTEE July 28—REPORT July 30**

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| CIVIL SERVICES, viz.,                                              | £      |
| CLASS I.                                                           |        |
| Metropolitan Police Courts ...                                     | 15,000 |
| New Palace at Westminster—Acquisition of Lands, and Embankment ... | 8,500  |
| After debate, Vote agreed to [217] 1122                            |        |
| Vienna and Washington Embassies ...                                | 28,740 |
| After short debate, Vote agreed to                                 |        |

[cont.]

*Supply—cont.*

**CLASS III.**

Convict Establishments in England and the Colonies [217] 1134  
Moved, "That a Supplementary sum, not exceeding £5,000, be granted, &c."

After short debate, Question put; A. 129, N. 45; M. 84; Vote agreed to ... [217] 1136 5,000  
Dublin Metropolitan Police, [217] 1136  
Moved, "That a Supplementary sum, not exceeding £20,000, be granted, &c."

Moved, "That a Supplementary sum, not exceeding £1,000, &c." (Mr. McLaren); after debate, Motion withdrawn  
Moved, "That a Supplementary sum, not exceeding £14,000, &c." (Mr. McLaren); Question put; A. 71, N. 124; M. 53; Vote agreed to

[217] 1146 26,000  
Constabulary of Ireland ... [217] 1145 153,750  
After short debate, Vote agreed to Miscellaneous Legal Charges, Ireland ... [217] 1146 23,725  
After short debate, Vote agreed to

**CLASS IV.**

British Museum ... [217] 1146 27,000  
Vote agreed to

National Gallery ... ... 1,500

**CLASS V.**

Diplomatic Services [217] 1148  
Moved, "That a Supplementary sum, not exceeding £3,711, be granted, &c."

After short debate, Question put; A. 138, N. 18; M. 122; Vote agreed to ... 3,711  
Colonies, Grants in aid of ... ... 51,706

Tonnage, Bounties, &c. ... ... 15,000

**CLASS VII.**

Temporary Commissions ... [217] 1150 14,000

After short debate, Vote agreed to Miscellaneous Expenses ... [217] 1150 7,000

After short debate, Vote agreed to Repayment of Kensington Station, &c.

Railway Deposit ... ... 5,760

**Total ... £386,392**

[217] Resolutions reported July 29, 1822

Moved, "That the said Resolutions be now read a second time"

*Custom House Clerks at the Outports, Observations, Viscount Sandon*

After debate, Moved, "That the Debate be now adjourned" (Colonel Hogg); after further debate, Question put, and agreed to

Debate resumed July 30, 1822; after short debate, Question put, and agreed to: First Five Resolutions agreed to

Sixth Resolution, £8,500, New Palace at Westminster, and Embankment of the River Thames: "That a sum, not exceeding £8,500, &c." 1822; Question proposed, "That this House doth agree, &c.;" after long debate, Question put, and agreed to

[cont.]

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*Supply—cont.*

217] Eighth Resolution, £5,000, Supplementary Sum for the superintendence of Convict Establishments, 1278 : on Question, "That this House doth agree, &c.;" after short debate, Question put, and agreed to  
. Twentieth Resolution, £10,000, Dover Harbour, 1279  
Moved, "That this House doth agree, &c.;" after debate, Question put; A. 61, N. 60 ; M. 1  
. *The Vote for Dover Harbour, Question, Mr. Rylands; Answer, Mr. Chichester Fortescue July 31, 1834*

REVENUE DEPARTMENTS, 1872-73.

Total of  
Vote.

COMMITTEE May 18—REPORT May 18 £  
Vote I. For the Salaries and Expenses of the Customs Department ... 983,015  
After short debate, Vote agreed to [215] 1818  
Vote II. For the Salaries and Expenses of the Inland Revenue Department 1,678,236

COMMITTEE July 28—REPORT July 29

Vote III. For Salaries and Expenses of the Post Office Services, the expenses of Post Office Savings Banks, and of Government Annuities and Insurances, and of the Collection of the Post Office Revenue [217] 1110 2,745,342  
After long debate, Vote agreed to

COMMITTEE June 27—REPORT June 30

Vote IV. For the Post Office Packet Service ... [215] 1500 1,105,348  
After debate, Vote agreed to

[cont.]

*Supply—cont.*

Total of  
Vote.  
COMMITTEE July 28—REPORT July 29 £  
Vote V. £679,000, For the Salaries and Expenses of the Post Office Telegraph Service ... 815,000  
Resolutions reported July 29  
Moved, That the said Resolutions be now read 2<sup>o</sup>; after long debate, Debate adjourned [217] 1292  
Debate resumed July 30; after further long debate, Question put, and agreed to; Resolutions agreed to  
SUPPLEMENTARY, COMMITTEE July 28  
Report July 29  
5. Telegraph Extension Works . 43,000

Total Revenue Departments ... £7,369,941

COMMITTEE July 28—REPORT July 29

GREENWICH HOSPITAL AND SCHOOL. £  
Advances during the year ending 31st March 1874 for defraying the expenses of Greenwich Hospital and School ... 142,901

COMMITTEE May 28—REPORT May 28

ALABAMA CLAIMS. £  
To pay off and discharge the amounts awarded to the Government of the United States of America under the Treaty of Washington, 1871, in satisfaction of the Alabama Claims 3,200,000

After debate, Vote agreed to

[216] 410  
Resolution reported; Moved, "That the said Resolution be now read 2<sup>o</sup>;" after debate, Question put, and agreed to; Resolution agreed to, 456

Supreme Court of Judicature Bill [H.L.]  
(The Lord Chancellor)

214] 1. Presented; read 1<sup>o</sup>, after short debate Feb 13, 1831 (No. 14)  
. Moved, "That the Bill be now read 2<sup>o</sup>" Mar 11, 1714  
Amendt. to leave out ("now,") and insert ("this day six months") (Lord Denman); after debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2<sup>o</sup>  
215] Committee; Report, after short debate Mar 24, 6 (No. 45)  
. Order for Committee (on re-comm.) April 1, 1891; after short debate, Order discharged; Bill referred to a Select Committee  
And, on April 3, the Lords' following were named of the Committee:—L. Abp. Canterbury, Ld. Chancellor, Ld. President, Ld. Privy Seal, D. Bedford, M. Salisbury, E. Derby, E. Grey, E. Morley, V. Eversley, L. Clinton, L. Redesdale, L. Chelmsford, L. Lyveden, L. Westbury, L. Romilly, L. Penrhyn, L. Colonsay, L. Cairns, L. Hatherley, and L. Blackford  
Report of Select Comm. \* [No. 72]  
Bill as amended by Select Comm. (No. 73)

[cont.]

Supreme Court of Judicature Bill—cont.

215] Committee May 1, 1258

PART I.

Constitution and Judges of Supreme Court  
Clauses 1 and 2 (Constitution and Judges of Supreme Court) agreed to  
Clause 3 (Union of existing Courts in Supreme Court) agreed to  
Clause 4 (Division of Supreme Courts into High Court and Court of Appeal) agreed to  
Clause 5 (Constitution of High Court of Justice)  
Amendt. moved, page 2, line 12, after ("be") to insert ("the Lord Chancellor") (The Lord Cairns); on Question? Cont. 67, Not-Cont. 49; M. 18; Amendt. agreed to Division List, Cont. and Not-Cont., 1282  
Clause 6 (Constitution of Court of Appeal), 1283  
. Moved to resolve, 1st. That one tribunal of ultimate appeal for disputed suits from the courts of all the three kingdoms is more advantageous than separate tribunals for such appeals (The Lord Redesdale) May 2, 1896;

[cont.]

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*Supreme Court of Judicature Bill*—cont.  
 after short debate, on Question ? Cont. 18,  
 Not-Conf. 88 ; M. 25  
 215] Division List, Cont. and Not-Conf., 1408  
 As amended on Re-comm. (No. 89)  
 . Resolutions (*The Lord Redesdale*), 1408  
 Report \* May 2  
 . Moved, "That the Bill be now read 3<sup>o</sup>"  
 May 5, 1468  
 Amendt. to leave out ("now,") and insert  
 ("this day six months") (*Lord Denman*) ;  
 on Question ? That ("now,") &c. ; resolved  
 in the affirmative ; Bill read 3<sup>o</sup> (No. 89)  
 Amendt. moved, Clause 20, page 9, line 26,  
 after ("Privy Council") to insert ("Except  
 when the Court of Appeal shall be of opinion  
 that any Appeal ought to be re-heard, in  
 which case the Court shall order such Appeal  
 to be referred to the House of Lords") (*The  
 Lord Redesdale*) ; Amendt. negatived  
 Amendt. moved, Clause 21, lines 86 and 87,  
 leave out ("except appeals from any Eccle-  
 siastical Court and petitions relating thereto")  
 (*The Marquess of Salisbury*) ; after debate,  
 Amendt. withdrawn ; Bill passed  
 Protests thereon—See Appendix  
 c. Read 1<sup>o</sup> (Mr. Attorney General) May 7  
 216] Moved, "That the Bill be now read 2<sup>o</sup>"  
 June 9, 640 [Bill 154]  
 Amendt. to leave out from "That," and add  
 "it is inexpedient to abolish the jurisdiction of  
 the House of Lords as an English Court of  
 Final Appeal" (*Mr. Charley*) v. ; Question  
 proposed, "That the words, &c." ; after  
 debate, Moved, "That the debate be now  
 adjourned" (*Mr. Gladstone*) ; after further  
 short debate, Debate adjourned  
 . Debate resumed June 12, 844 ; after long de-  
 bate, Question put, and agreed to ; Bill  
 read 2<sup>o</sup>  
 . Order for Committee read ; Moved, "That Mr.  
 Speaker do now leave the Chair" (*Mr.  
 Gladstone*) June 30, 1861 ; after debate,  
 Moved, "That the debate be now adjourned"  
 (*Mr. Hunt*), 1877 ; after further short debate,  
 Question put ; A. 170, N. 102 ; M. 22  
 . Question again proposed, "That Mr. Speaker,  
 &c." ; after further short debate, Question  
 put, and agreed to ; Committee, 1884  
 Clause 1 (Short title) agreed to  
 Clause 2 (Commencement of Act), 1884  
 Clause 3 (Union of existing Courts into one  
 Supreme Court) agreed to  
 Clause 4 (Division of Supreme Court into a  
 Court of original and a Court of Appellate  
 jurisdiction) agreed to  
 Clause 5 (Constitution of High Court of Jus-  
 tice), 1888 ; Committee—R.P.  
 . Committee July 1, 1823  
 Clause 5 (Constitution of High Court of Jus-  
 tice)  
 . Clause 6 (Constitution of Court of Appeal),  
 1887 ; Committee—R.P.  
 . Committee July 3, 1712  
 Clause 6 (Constitution of Court of Appeal)  
 Clause 7 (Vacancies by resignations of Judges  
 and effect of vacancies generally) agreed to  
 . Clause 8 (Qualifications of Judges. Not re-  
 quired to be Serjeants-at-Law), 1747

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*Supreme Court of Judicature Bill*—cont.  
 Clause 9 (Tenure of office of Judges, and oaths  
 of office. Judges not to sit in the House of  
 Commons) agreed to  
 Clause 10 (Precedence of Judges) agreed to  
 Clause 11 (Saving of rights and obligations of  
 existing Judges) agreed to  
 216] Clause 12 (Provisions for extraordinary duties  
 of Judges of the former Courts) Red ink  
 clauses — Clause A (Salaries of future  
 Judges) — Clause B (Retiring pensions of  
 future Judges of High Court of Justice, and  
 ordinary Judges of Court of Appeal) —  
 Clause C (Salaries and pensions how to be  
 paid), 1748  
 PART II  
 Jurisdiction and Law  
 Clause 13 (Jurisdiction of High Court of Jus-  
 tice), 1748  
 Clause 14 (Jurisdiction not transferred to  
 High Court) agreed to  
 Clause 15 (Jurisdiction transferred to Court of  
 Appeal) agreed to  
 Clause 16 (Appeals from High Court) agreed to  
 Clause 17 (No appeal from High Court or  
 Court of Appeal to House of Lords, or Juri-  
 dical Committee), 1751 ; Committee—R.P.  
 . Committee July 4, 1787  
 Clause 18 (Power to transfer jurisdiction of  
 Judicial Committee by Order in Council)  
 Clause 19 (Transfer of pending business)  
 agreed to  
 Clause 20 (Rules as to exercise of jurisdiction)  
 agreed to  
 . Clause 21 (Law and equity to be concurrently  
 administered), 1797  
 . Clause 22 (Rules of Law upon certain points),  
 1797  
 Clause 23 (Abolition of terms) agreed to  
 . Clause 24 (Vacations), 1801 ; Committee—R.P.  
 . Committee July 7, 1865  
 Clause 24 (Vacations)  
 Clause 25 (Sittings in Vacation), 1871  
 Clause 26 (Jurisdiction of Judges of High  
 Court on circuit), 1871  
 Clause 27 (Sittings for trial by jury in London  
 and Middlesex), 1873  
 Clause 28 (Divisions of the High Court of  
 Justice), 1874  
 . Clause 29 (Power to alter division by Order  
 in Council), 1878  
 Clause 30 (Rules of Court to provide for dis-  
 tribution of business) amended, and agreed to  
 . Clause 31 (Assignment of certain business to  
 particular Divisions of High Court subject to  
 rules) postponed, 1885 ; Committee—R.P.  
 217] i. Privilege—The Appellate Jurisdiction of  
 this House, Observations, Earl Granville ;  
 . Reply, Lord Cairns July 8, 1 ; Observations,  
 Lord Cairns ; short debate thereon July 8, 10  
 . e. Committee July 8, 39

PART III  
 Sittings and Distribution of Business  
 Clause 31 (Assignment of certain business to  
 particular Divisions of High Court subject  
 to Rules) postponed

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*Supreme Court of Judicature Bill*—cont.

- Clause 32 (Option for any Plaintiff (subject to Rulee) to choose in what Division he will sue) agreed to
- Clause 33 (Power of transfer) agreed to
- Clause 34 (Sittings in London and Middlesex and on Circuits) agreed to
- Clause 35 (Rota of Judges for election petitions) agreed to
- 217] Clause 36 (Powers of one or more Judges not constituting a Divisional Court), 39
- Clause 37 (Divisional Courts of the High Court of Justice) agreed to
- Clause 38 (Divisional Courts for business of Queen's Bench, Common Pleas, and Exchequer Divisions) agreed to
- Clause 39 (Distribution of business among the Judges of the Chancery and Probate, Divorce, and Admiralty Divisions of the High Court), 40
- Clause 40 (Divisional Courts for business of the Chancery Division) agreed to
- Clause 41 (Divisional Courts for business belonging to the Division) agreed to
- . Clause 42 (Appeals from Inferior Courts to be determined by Divisional Courts), 40
- Clause 43 (Cases and points may be reserved for or directed to be argued before Divisional Courts) agreed to
- . Clause 44 (Provision for Crown Cases reserved), 40
- . Clause 45 (Motions for new trials to be heard by Divisional Courts), 44
- . Clause 46 (What orders shall not be subject to appeal), 44
- Clause 47 (As to discharging orders made in Chambers) agreed to
- . Clause 48 (Provision for absence or vacancy in the office of a Judge), 45
- Clause 49 (Power of a single Judge in Court of Appeal) agreed to
- . Clause 50 (Divisional Courts of Court of Appeal), 45
- Clause 51 (Judges not to sit on appeal from their own judgments) agreed to
- . Clause 52 (Arrangements for business of Court of Appeal, and for hearing Appeals transferred from the Judicial Committee of the Privy Council), 51

**PART IV.**

*Trial and Procedure*

- Clause 53 (References and Assessors), 52; Committee—n.r.
- . Committee July 10, 173
- . Clause 54 (Power to direct trials before referees), 173
- Clause 55 (Power of Referees and effect of their findings)
- Clause 56 (Powers of Court with respect to proceedings before Referees) agreed to
- . Clause 57 (Her Majesty may establish District Registrars in the country for the Supreme Court), 181
- Clause 58 (Seals of District Registrars) agreed to
- Clause 59 (Powers of District Registrars) agreed to—Red ink clause—Clause D (Fees to be taken by District Registrars)
- . Clause 60 (Proceedings to be taken in District Registrars), 182

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*Supreme Court of Judicature Bill*—cont.

- Clause 61 (Power for Court to remove proceedings from District Registrars) agreed to
- Clause 62 (Accounts and inquiries may be referred to District Registrars) agreed to
- 217] Clause 63 (30 & 31 Vict. c. 142. ss. 5, 7, 8, 10, to extend to actions in High Court), 186
- Clause 64 (Rules of Court may be made by Order in Council before commencement of the Act) agreed to
- Clause 65 (Rules in Schedule to regulate procedure till changed by other rules after commencement of Act) agreed to
- Clause 66 (Rules of Probate, Divorce, Admiralty, and Bankruptcy Courts to be Rules of the High Court) agreed to
- Clause 67 (Criminal procedure, subject to future Rules, to remain unaltered) agreed to
- Clause 68 (Act not to affect rules of evidence or juries) agreed to
- Clause 69 (Saving of existing procedure of Courts when not inconsistent with this Act or Rules) agreed to
- Clause 70 (Power to make and alter Rules after commencement of Act) agreed to
- Clause 71 (Councils of Judges to consider procedure and administration of Justice) agreed to
- Clause 72 (Acts of Parliament relating to former Courts to be read as applying to Courts under this Act) agreed to

**PART V**  
*Officers and Offices*

- . Clause 73 (Transfer of existing staff of officers to Supreme Court), 186
- . Clause 74 (Officers of Courts of Pleas at Lancaster and Durham), 188
- . Clause 75 (Personal officers of future Judges), 190; Committee—n.p.
- . Committee July 11, 214
- . Clause 75 (Personal officers of future Judges), 214—Red ink clause—Clause E (Provisions as to officers paid out of fees)
- Clause 76 (Doubts as to the status of officers to be determined by Rule) agreed to
- Clause 77 (Powers of Commissioners to administer oaths) agreed to
- . Clause 78 (Official Referees to be appointed), 219
- . Clause 79 (Duties, appointment, and removal of officers of Supreme Court), 223—Red ink clause—Clause F (Salaries and pensions of officers)
- . Clause 80 (Patronage not otherwise provided for), 225
- Clause 81 (Solicitors and Attorneys) agreed to

**PART VI**  
*Jurisdiction of Inferior Courts*

- Clause 82 (Power by Order in Council to confer jurisdiction on inferior Courts) agreed to
- Clause 83 (Powers of inferior Courts having Equity and Admiralty jurisdiction) agreed to
- Clause 84 (Counter-claims in inferior Courts, and transfers therefrom) agreed to
- Clause 85 (Rules of law to apply to inferior Courts) agreed to

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*Supreme Court of Judicature Bill—cont.*

PART VII.

*Miscellaneous Provisions*

- Clause 86 (Transfer of books and papers to Supreme Court) agreed to
- Clause 87 (Saving as to circuits, &c.) agreed to
- Clause 88 (Saving as to Lord Chancellor) agreed to
- Clause 89 (Saving as to Chancellor of Lancaster) agreed to
- Clause 90 (Saving as to Chancellor of the Exchequer and sheriffs) agreed to
- Clause 91 (Saving as to Lord Treasurer and office of the Receipt of Exchequer) agreed to
- Clause 92 (Provisions as to Great Seal being in commission) agreed to
- Clause 93 (Provision as to Commissions in Counties Palatine) agreed to
- 217] Clause 94 (Interpretation of terms), 226
- Postponed Clause 31 (Assignment of certain business to particular Divisions of High Court subject to Rules), 226; Committee—R.P.

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- New Clause, after Clause 12 (Pensions of Lord Chancellor), 321
  - Division List, Ayes and Noes, 331
- New Clause (Salaries of future judges), 333
- New Clause in lieu of red ink Clause B (Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal)
- New Clause (Power to Court of Chancery to direct action to be brought)
- New Clause in lieu of red ink Clause D (Fees to be taken by District Registrars)
- New Clause in lieu of red ink Clause E (Provisions as to officers paid out of fees)
- New Clause in lieu of red ink Clause F (Salaries and pensions of officers), 341

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- Section 1 (Form of action in High Court), 342
- Section 2 (Action to be commenced by writ), 344
- Section 30 (Mode of trying actions)
- Section 31 (Notice of mode of trial to be given), 344
- Preamble agreed to; Bill reported (No. 237)
- Moved, "That the Bill, as amended, be taken into Consideration upon Thursday"

*Privilege—The Appellate Jurisdiction of the House of Lords*, Explanation, Mr. Gladstone July 10, 154  
*Scotch and Irish Appeals*, Observations, Mr. Bouvier; debate thereon July 14, 345; Observations, Mr. Gladstone July 15, 399

- After debate, Question put, and agreed to
- Moved, "That the Bill be now taken into Consideration" July 21, 669
- Amendt. to leave out "now taken into Consideration," and add "re-committed in respect of Clause 14 (Salaries of future Judges)" (Mr. Gregory) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to
- Main Question put, and agreed to; Bill considered [Bill 237]
- Moved, "That the Bill be now read 3<sup>d</sup>" July 22, 785

*Supreme Court of Judicature Bill—cont.*

- Amendt. to leave out from "That," and add "in the opinion of this House, it is desirable to extend the jurisdiction of the new Supreme Court of Appeal to the whole of the United Kingdom" (Sir David Wedderburn) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
- Main Question put, and agreed to; Bill read 3<sup>d</sup>. Commons Amendts. (No. 234)
- 217] Moved, "That the said Amendts. be now considered" (*The Lord Chancellor*) July 24, 866
- Moved, To leave out from ("That,") and insert ("As it is now admitted by the promoters of the Bill that there should be only one Court of Ultimate Appeal for the United Kingdom, and as it is uncertain whether any such Court can be newly constituted in England which will give the same satisfaction to Scotland and Ireland which it is admitted that this House has afforded, it is inexpedient, without allowing time for further inquiry, to pass a Bill which establishes a separate Court of Ultimate Appeal for England, and must therefore render a repeal of the settlement under the Acts of Union necessary, if the appeals from those countries are to be transferred to that Court, the formation of which will justify Scotland and Ireland desiring to have separate Courts of Ultimate Appeal in their own capitals if no longer allowed to come to this House; and it is therefore expedient that the consideration of the Amendmts made by the House of Commons be deferred for three months") (*The Chairman of Committees*); after debate, on Question, "That the words, &c.;" Cont. 61, Not-Cont. 34; M. 27

Division List, Cont. and Not-Cont., 891

- Resolved in the affirmative
- Original Motion agreed to; Commons Amendts. considered accordingly
- Several Amendts. disagreed to; some agreed to; some agreed to, with Amendts.
- A Committee appointed to draw up Reasons to be offered to the Commons for disagreeing to several of their Amendts.

Protest, 897

- Returned from the Commons with the Amendts. to which the Lords have disagreed not insisted on; and with the Amendts. made by the Lords to the Amendts. made by the Commons agreed to, with an Amendt.; and with consequential Amendts. to an Amendt. made by the Commons: The said Amendt. and consequential Amendts. to be considered on Thursday next July 29

- Commons Amendts. &c. considered; Commons Amendt. to Lords Amendts. to Commons Amendts. and Commons consequential Amendts. considered, and, after short debate, agreed to July 31, 1807

Commons and Lords Amendts. (No. 267)

Royal Assent August 5 [36 & 37 Vict. c. 66]

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*Sweden—Coronation of the King*

Question, Mr. Bates; Answer, Viscount Enfield May 28, [216] 368

*SYNAN, Mr. E. J., Limerick Co.*

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Army—21st R. N. B. Fusiliers, [215] 1718  
Army—Cavalry Force, Res. [216] 662  
Metropolis—Thames Embankment, [216] 582

*TALBOUR, Mr. J. G., Kent, W.*

Army—Cavalry and Artillery Reserve, [214] 643  
Army—Length of Service (India), Res. [214] 844  
Education Department—New Code, 1878, [215] 348  
Elementary Education Act (1870) Amendment, Re-comm. cl. 20, [217] 795; cl. 23, 797; Consid. cl. 23, Amendt. 961  
Endowed Schools Act (1869) Amendment, Comm. add. cl. [217] 952  
Endowed Schools Commissioners—Emanuelt Hospital Scheme, Motion for an Address, [215] 1918, 1925  
Endowed Schools Commissioners—Grey Coat Hospital, Westminster, Motion for an Address, [214] 179  
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Post Office Savings Banks—Increase of Staff, [217] 1529  
Public Health, Comm. [217] 93  
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*TAYLOR, Right Hon. Lt.-Colonel T. E., Dublin Co.*

Board of Education (Ireland)—O'Keeffe, Rev. Mr., [215] 1779  
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*TAYLOR, Mr. P. A., Leicester Bo.*

Criminal Law—Halstead Magistrates—Mays, Samuel, Case of, [216] 1163  
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Sunday Trading Prosecutions, [216] 1856, 1858

*Taigmouth and Devonish Turnpike Trust*

Question, Sir S. Northcote; Answer, Lord G. Cavendish July 8, [216] 1710

*Telegraphs Bill*

(Mr. Bonham-Carter, Mr. Chancellor of the Exchequer, Mr. Baxter)

- a. Resolution [July 22] reported, and agreed to; Bill ordered \* July 23
- Read 1<sup>st</sup> \* July 24 . . . . . [Bill 262]
- Read 2<sup>nd</sup> \* July 28
- Committee; Report July 29, [217] 1245
- Considered \* July 30
- Read 3<sup>rd</sup> \* July 31
- Read 1<sup>st</sup> \* (M. of Lansdowne) Aug 1<sup>st</sup> (No. 266)
- Read 2<sup>nd</sup> \* ; Committee negatived August 3
- Read 3<sup>rd</sup> \* August 4
- Royal Assent August 5 [36 & 37 Vict. c. 83]

*TEMPLESTOWN, Viscount*

Army—Officers of the—Abolition of Purchase, Address for a Royal Commission, [217] 640

*Thames Embankment (Land) Bill*

(Mr. Chancellor of the Exchequer, Mr. Baxter)

- c. Ordered; read 1<sup>st</sup> \* Feb 17 [Bill 65]
- Read 2<sup>nd</sup> \*, and committed to the Select Committee to which may be referred the Charing Cross and Victoria Embankment Approach Bill Mar 20
- As amended by Select Comm. [Bill 152]
- Re-comm \*; Report May 26
- Read 3<sup>rd</sup> \* May 27
- Read 1<sup>st</sup> \* (Marquess of Lansdowne) June 9
- Read 2<sup>nd</sup> \* June 19 (No. 137)
- Bill reported and committed \* June 27 (No. 179)
- Committee \* July 1
- Report \* July 3
- Read 3<sup>rd</sup> \* July 4
- Royal Assent July 21 [36 & 37 Vict. c. 48]

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*Theatre Regulation Act—The Happy Land*

Question, Sir Lawrence Palk; Answer, Mr. Bruce Mar 10, [214] 1811

**Threshing Machines Bill**  
*Formerly*

**Steam Threshing Machines Bill [H.L.]**  
*(The Earl of Morton)*

- i. Presented; read 1<sup>o</sup> July 14 (No. 210)  
Bill read 2<sup>o</sup>, after short debate, July 18, [217] 601  
Committee<sup>\*</sup>; Report July 24 (No. 239)  
Read 3<sup>o</sup> July 26  
c. Read 1<sup>o</sup> July 28 [Bill 270]  
Bill withdrawn<sup>\*</sup> August 1

**THYNNE, Lord H. F., Wiltshire, S.**  
Army—Autumn Manoeuvres—Compensation, [216] 1162  
Army Estimates—Control Establishments, Wages, &c. [216] 1269  
Turnpike Acts Continuance, &c. Comm. Motion for Adjournment, [217] 193

**TIPPING, Mr. W., Stockport**

Park Regulation Act—Meetings in the Parks, Motion for an Address, [215] 287  
Railway and Canal Traffic, Lords' Amendts. [216] 1304

*The Commutation Act—Market Gardens*  
Question, Mr. Clara Read; Answer, Mr. Bruce Feb 20, [214] 722

**Tithe Commutation Act Amendment Bill**  
*(Mr. Arthur P. Vivian, Mr. Bouverie, Sir John Lubbock, Mr. Magna)*

- c. Ordered; read 1<sup>o</sup> Feb 25 [Bill 81]  
Read 2<sup>o</sup>, and referred to a Select Committee May 8  
And, on May 9, Committee nominated as follows:—Mr. Bouverie (Chairman); Sir Michael Hicks-Beach, Mr. Cross, Mr. Cubitt, Sir George Grey, Mr. Gathorne Hardy, Mr. Beresford Hope, Sir Harcourt Johnstone, Mr. Magna, Mr. Mowbray, Mr. Stone, Mr. John Talbot, Mr. Arthur P. Vivian, Mr. Whitbread, and Mr. Winterbotham  
Report of Select Comm. (No. 250)  
Bill as amended [Bill 198]  
Committee<sup>\*</sup>; Report June 16  
Read 3<sup>o</sup> June 20  
l. Read 1<sup>o</sup> (Karl Fortescue) June 23 (No. 171)  
Bill read 2<sup>o</sup>, after short debate July 1, [216] 1607  
Committee<sup>\*</sup>; Report July 10  
Read 3<sup>o</sup> July 14  
Royal Assent July 21 [36 & 37 Vict. c. 42]

**TORR, Mr. J., Liverpool**

Post Office—Registered Letters, [214] 1812  
Supreme Court of Judicature, Comm. cl. 50, [217] 185  
Ways and Means, Report, [215] 1327

**TORRENS, Sir R. R., Cambridge Bo.**  
Colonies, The, Motion for a Committee, [214] 1122  
Record of Title (Ireland) Act Amendment, Leave, [214] 968  
Windward Islands—Ecclesiastical Policy, Res. [217] 446

**TORRENS, Mr. W. T. M., Finsbury**  
Army—India, Service in—Limitation of Age, [217] 209  
East India Revenue Accounts, Comm. [217] 1455  
Elementary Education Act (1870) Amendment, 2R. Previous Question moved, [217] 518, 542; Consid. cl. 28, 261  
Endowed Schools Act (1869) Amendment, Comm. cl. 4, Amendt. [217] 934; cl. 16, Amendt. 947, 948  
India—Banda and Kirkee Prize Money, [215] 1485  
Metropolis Buildings Act Amendment, 2R. [215] 508  
Post Office—Telegraph Department—Herring's Telegraph Printing Instrument, [217] 1883  
Selby, Mr., Disappearance of, [214] 1615  
Supply—New Palace at Westminster, [217] 1128  
Ways and Means, Report, [215] 1068

**TRAKE, Hon. C. R. D. HANBURY, Montgomery, &c.**

Merchandise Marine—Danger Signals, [216] 723  
Merchant Shipping Acts Amendment, Comm. cl. 14, Amendt. [217] 1024; cl. 17, Amendt. 1028  
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Retirement, [215] 1298  
Navy (Promotion and Retirement), Motion for a Committee, [216] 771  
Navy Estimates—Admiralty Office, [216] 106, 119

**Trade Marks Registration Bill**  
*Formerly*

**Registration of Trade Marks Bill**  
*(Mr. Arthur Peel, Mr. Chichester Fortescue)*  
a. Considered in Committee; Bill ordered; read 1<sup>o</sup> April 21 [Bill 188]  
Bill withdrawn<sup>\*</sup> July 7

**Trades Unions—The Amalgamated Society of Engineers**

Question, Mr. Headlam; Answer, The Attorney General Mar 27, [215] 220

**Tramway Bills**

Question, Mr. Elykin; Answer, Mr. Chichester Fortescue Feb 28, [214] 1007

**Tramways Provisional Orders Confirmation Bill [H.L.], (The Lord President)**

- i. Presented; read 1<sup>o</sup> May 5 (No. 93)  
Read 2<sup>o</sup> May 13  
Committee<sup>\*</sup> May 26  
Report May 27  
Read 3<sup>o</sup> June 9

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- Tramways Provisional Orders Confirmation Bill*  
 —cont.  
 c. Read 1<sup>o</sup> June 12                          [Bill 192]  
 Read 2<sup>o</sup> June 16  
 Committee<sup>\*</sup>; Report June 19  
 Referred to a Select Committee June 23  
 Bill as amended                          [Bill 218]  
 Report<sup>\*</sup> June 27  
 Re-comm.<sup>\*</sup>; Committee; Report July 3  
 Considered<sup>\*</sup> July 8  
 Read 3<sup>o</sup> July 9  
 l. Royal Assent July 28 [36 & 37 Vict. c. cxvii]

**Treasury Chest Fund Bill**

- (*Mr. William Henry Gladstone, Mr. Baxter*)  
 c. Ordered; read 1<sup>o</sup> July 10                          [Bill 233]  
 Read 2<sup>o</sup> July 14  
 Committee<sup>\*</sup>; Report July 15  
 Read 3<sup>o</sup> July 16  
 l. Read 1<sup>o</sup> (Earl Granville) July 17 (No. 217)  
 Read 2<sup>o</sup> July 18  
 Committee<sup>\*</sup>; Report July 24  
 Read 3<sup>o</sup> July 25  
 Royal Assent July 28 [36 & 37 Vict. c. 56]

**Treaties of Arbitration**

Moved, "That an humble Address be presented to Her Majesty, praying that all Treaties or Conventions by which disputed questions between Great Britain and a foreign power are referred to Arbitration, may be laid upon the Table of both Houses of Parliament six weeks before they are definitively ratified" (*Lord Campbell*) Mar 3, [214] 1159; after debate, on Question 3 resolved in the negative  
 [See title — *International Law — Arbitration*]

**Treaties with Foreign Powers**

Observations, Mr. Rylands; Reply, Mr. Gladstone; long debate thereon Feb 14, [214] 448  
 Moved, "That, in the opinion of this House, all Treaties with Foreign Powers ought to be made conditionally on the approval of Parliament, as was done in the case of the Commercial Treaty with France in 1860" (*Mr. Sinclair Aytoun*) Mar 4, 1309; after debate, Question put, and negatived

**Treaty of Washington—The Geneva Arbitration**

*Board of Assessors—Claim for Aves Island*, Question, Viscount Sandon; Answer, Viscount Enfield July 28, [217] 1092  
*Letter of Mr. Fish*, Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone May 20, [216] 170  
 The "Alabama"—Compensation for British Property, Questions, Sir Stafford Northcote, Sir James Elphinstone; Answers, Viscount Enfield May 23, [216] 356; Questions, Sir James Elphinstone, Mr. Anderson; Answers, Mr. Gladstone, Viscount Enfield May 26, 433

*The Geneva Award—Judgments of the Arbitrators*, Question, Mr. Staveley Hill; Answer, Mr. Gladstone Feb 7, [214] 152;—Amount of "Alabama Claims," Question, Mr. Goldsmid; Answer, Mr. Gladstone Mar 8, 1183

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*Treaty of Washington—The Geneva Arbitration*  
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*Testimonial to the Arbitrators*, Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone Mar 10, [214] 1613; Questions, Sir Thomas Bateson, Colonel Stuart Knox; Answers, Mr. Gladstone May 27, [216] 590; Question, Sir Thomas Bateson; Answer, Mr. Gladstone June 30, 1556; Question, Mr. Cavendish Bentinck; Answer, Mr. Gladstone July 24, [217] 907  
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*Trial of Election Petitions—Canvassing by Judges*

Question, Mr. Callan; Answer, The Attorney General July 14, [217] 319

**Tribunals of Commerce Bill** (*Mr. Whitewell, Mr. Norwood, Mr. Birley, Mr. Hick*)

c. Ordered; read 1<sup>o</sup> Feb 13 [Bill 57]  
Question, Mr. W. H. Smith; Answer, The Attorney General Feb 14, [214] 439  
Bill withdrawn\* July 29

**Turkey**

*Alleged Outbreak of Moslem Fanaticism in Bosnia*, Question, Mr. A. Johnston; Answer, Viscount Enfield July 4, [216] 1786

*Brigandage*, Question, Mr. Ion Hamilton; Answer, Viscount Enfield July 3, [216] 1710

*Courts of Justice*, Question, Sir Dominic Corrigan; Answer, Viscount Enfield July 24, [217] 900

**Turks and Caicos Islands Bill** [H.L.]  
(*The Earl of Kimberley*)

i. Presented; read 1<sup>o</sup> Feb 7 (No. 2)  
Read 2<sup>o</sup> Feb 13  
Committee; Report, after short debate Feb 14, [214] 436  
Read 3<sup>o</sup> Feb 17  
c. Read 1<sup>o</sup>\* (*Mr. Knatchbull-Hugessen*) Mar 8  
Read 2<sup>o</sup>\* Mar 10 [Bill 87]  
Committee\*; Report Mar 27  
Considered\* Mar 28  
Read 3<sup>o</sup>\* Mar 31  
l. Royal Assent April 4 [36 Vict. c. 6]

**Turnpike Acts Continuance**

Select Committee appointed, "to inquire into the Eleventh Schedule of 'The Annual Turnpike Acts Continuance Act, 1872'" (*Mr. Hibbert*) Feb 24

And, on Feb 27, Committee nominated as follows:—Lord George Cavendish (Chairman), Sir Robert Anstruther, Mr. Beach, Mr. Wentworth Beaumont, Mr. Wilbraham Egerton, Sir John St. Aubyn, and Mr. Welby Report—(*Parl. P. No. 215*)

**Turnpike Acts Continuance, &c. Bill**  
(*Mr. Hibbert, Mr. Stansfeld*)

c. Ordered\* June 18  
Read 1<sup>o</sup>\* June 19 [Bill 199]  
216] Moved, "That the Bill be now read 2<sup>o</sup>" July 1, 1842; Moved, "That the Debate be now adjourned" (*Mr. Robert Fowler*); Question put; A. 142, N. 218; M. 76  
Original Question put, and agreed to; Bill read 2<sup>o</sup>  
Order for Committee read; Moved, "That it be an instruction to the Committee to make provision for rendering compulsory in England and Wales the Highway Acts 1862 and 1864" (*Lord George Cavendish*) July 3, 1756; after short debate, Moved, "That the Debate be now adjourned" (*Colonel Barttelot*); debate adjourned

*Turnpike Acts Continuance, &c. Bill*—cont.

217] Debate resumed July 10, 191

After short debate, Moved, "That the Debate be now adjourned" (*Lord Henry Thynne*); after further short debate, Question put; A. 58, N. 115; M. 57

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. Clare Read*); after short debate, Question put; A. 44, N. 116; M. 72

Original Question again proposed; Moved, "That the Debate be now adjourned" (*Colonel Parker*); Question put; A. 46, N. 104; M. 58

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. Joshua Fielden*); Question put; A. 44, N. 99; M. 55

Original Question again proposed; Moved, "That the Debate be now adjourned" (*Colonel Barttelot*); Question put; A. 40, N. 94; M. 54

Original Question again proposed; Moved, "That this House do now adjourn;" Question put; A. 41, N. 91; M. 50

Original Question again proposed; Moved, "That the Debate be now adjourned" (*Mr. Frederick Walpole*); Question put, and agreed to; Debate adjourned at half-past Three A.M.

• Question, Lord George Cavendish; Answer, Mr. Hibbert July 14, 320

• Debate resumed July 14, 382; Motion withdrawn; Committee; Report

Considered\* July 15

Read 3<sup>o</sup>\* July 16

l. Read 1<sup>o</sup>\* (*Earl of Morley*) July 17 (No. 223)

Read 2<sup>o</sup>\* July 24

Committee\* July 25

Report\* July 28 (No. 245)

Read 3<sup>o</sup>\* July 29

Royal Assent August 5 [36 & 37 Vict. c. 90]

**Ulster Tenant Right Bill**

(*Mr. Butt, Mr. Cullan, Mr. P. J. Smyth*)

c. Ordered; read 1<sup>o</sup>\* July 7 [Bill 225]  
2R. [Dropped]

**Union of Benefices Bill**

(*Mr. Spencer Walpole, Viscount Sandon, Mr. William Henry Smith, Mr. Andrew Johnston*)

c. Ordered; read 1<sup>o</sup> Feb 7 [Bill 28]  
Question, Mr. Crawford; Answer, Mr. Spencer Walpole Feb 11, [214] 282

Bill read 2<sup>o</sup>, after short debate, and committed to a Select Committee Feb 14, 507

And, on Feb 25, Committee nominated as follows:—Mr. Attorney General, Mr. Cavendish Bentinck, Mr. Crawford, Mr. Cross, Mr. Cubitt, Mr. Beresford Hope, Sir James Lawrence, Mr. Mowbray, Mr. Powell, Mr. Reed, Mr. Smith, Mr. Stone, Mr. Spencer Walpole, Mr. Walter, and Mr. Whitbread Bill as amended [Bill 92]

Bill reported and re-committed\* Mar 20  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair"

April 7; debate adjourned

Bill withdrawn July 21, [217] 659

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**Union Rating (Ireland) Bill**

- (*Mr. M'Mahon, Mr. Downing, Mr. Stacpoole*)  
 c. Ordered ; read 1<sup>o</sup> Feb 7 [Bill 23]  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
 Feb 20, [214] 753  
 Amendt. to leave out "now," and add "upon this day six months" (*Sir George Colthurst*) : after debate, Question put, "That 'now,' &c." A. 77, N. 61 ; M. 16  
 Main Question put, and agreed to ; Bill read 2<sup>o</sup> Question, Mr. Bruen ; Answer, Mr. M'Mahon July 3, [216] 1711  
 Bill withdrawn \* July 17

**United States**

- Boundary of Alaska and British North America**  
 —**San Juan Water Boundary**, Question, Mr. Eastwick ; Answer, Viscount Enfield May 5, [215] 1487 ; Questions, Observations, The Earl of Lauderdale ; Reply, Earl Granville June 19, [216] 1167  
**British Vessels in American Waters**, Question, Mr. C. Dalrymple ; Answer, Mr. Chichester Fortescue Mar 10, [214] 1616  
**Consular Convention—Offences on the High Seas**, Question, Mr. Gourley ; Answer, Viscount Enfield Feb 27, [214] 1032 ; Question, Lord Monson ; Answer, Earl Granville August 4, [217] 1512  
**Payment of the Geneva Award**, Question, Mr. Vernon Harcourt ; Answer, Mr. Gladstone Mar 24, [215] 17  
 [See title—*Treaty of Washington*]

**Universities, The—College Statutes, Alteration of**

- Question, The Marquess of Salisbury ; Answer, The Marquess of Ripon ; short debate thereon May 16, [216] 10

**University Education (Ireland) Bill**

**QUESTIONS**

- Charters of Dublin University and Trinity College**, Question, Sir Frederick W. Heygate ; Answer, Mr. Gladstone Feb 17, [214] 545

- The University Council**, Question, Mr. Ashton Cross ; Answer, Mr. Gladstone Feb 18, [214] 899 ; Questions, Lord Robert Montagu ; Answers, Mr. Gladstone Feb 24, 892  
**Petition from Magee College**, Question, Lord Robert Montagu ; Answer, Mr. Gladstone Feb 25, [214] 898

- Memorial of the Catholic Union**, Questions, Mr. Horsman ; Answers, Mr. Gladstone Feb 25, [214] 899

- Affiliated Institutions**, Questions, Mr. Gordon, Lord Robert Montagu, Mr. C. E. Lewis ; Answers, Mr. Gladstone Feb 27, [214] 1038

- Notice of Motion for a Royal Commission, Mr. Mitchell Henry Mar 3, [214] 1181

- Notice, Lord George Hamilton Mar 6, [214] 1889

- Proposed Select Committee**, Question, Mr. Mitchell Henry ; Answer, Mr. Dodson Mar 6, [214] 1396

- Parliamentary Arrangements**, Question, Mr. P. J. Smyth ; Answer, Mr. Bourke ; debate thereon Mar 10, [214] 1615

- Clause 11 (Degrees)**, Question, Mr. Macfie ; Answer, Mr. Gladstone Mar 11, [214] 1789

**University Education (Ireland) Bill**

- (*Mr. Gladstone, The Marquess of Hartington*)  
 c. Considered in Committee ; Bill ordered ; read 1<sup>o</sup> Feb 18, 878 [Bill 65]  
 Moved, "That the Bill be now read 2<sup>o</sup>" Mar 3, 1186  
 Amendt. to leave out from "That," and add "this House, while ready to assist Her Majesty's Government in passing a measure for the advancement of learning in Ireland," regrets that Her Majesty's Government, previously to inviting the House to read this Bill a second time, have not felt it to be their duty to state to the House the names of the twenty-eight persons who it is proposed shall at first constitute the ordinary members of the Council" (*Mr. Bourke*) v. ; Question proposed, "That the words, &c.," after long debate, Moved, "That the Debate be now adjourned" (*Mr. Horsman*) ; Debate adjourned  
 . Debate resumed Mar 6, 1888 ; after long debate, Moved, "That the Debate be now adjourned" (*Mr. Vernon Harcourt*) ; Debate further adjourned  
 . Debate resumed Mar 10, 1887 ; after long debate, Moved, "That the Debate be now adjourned" (*Colonel Wilson Patten*) ; after further short debate, Debate further adjourned  
 . Debate resumed Mar 11, 1887 ; after long debate, Question, "That the words, &c.," put, and agreed to ; main Question put ; A. 284, N. 287 ; M. 3  
 Division List, Ayes and Noes, 1884  
 Moved, "That the House do now adjourn" (*Mr. Gladstone*) ; Motion agreed to  
 [See *Parliament—Resignation of Ministers*]

**University Fellowships (Compensation) Bill**

- c. Motion for Leave (*Mr. Auberion Herbert*) Mar 21, [214] 2068 ; Motion made, and Question, "That the Debate be now adjourned" (*Mr. Dillwyn*), put, and negatived ; original Motion withdrawn

**University Fellowships (Compensation) Bill**

- c. Motion for Leave (*Mr. Auberion Herbert*) April 22, [215] 801 ; after short debate, Question put ; A. 81, N. 107 ; M. 26

**University Tests (Dublin) Bill**

- (*Mr. Fawcett, Dr. Lyon Playfair, Mr. Plunket*)  
 c. Considered in Committee ; Bill ordered ; read 1<sup>o</sup>, after short debate Feb 7, [214] 177 [Bill 12]

- Question, Mr. Dixon ; Answer, Mr. Fawcett Mar 20, 1886

- Material Alterations in Bill—Rules of the House**, Question, Observations, Mr. Callan ; Reply, Mr. Fawcett Mar 28, [215] 300

- Mr. Speaker declares the Rules of the House in respect of material alteration of a Bill after presentation, 303

- Question, "That the Order of the Day for the Second Reading of the Bill on Wednesday next be read and discharged," put, and agreed to ; Order read, and discharged ; Bill withdrawn

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*University Tests (Dublin) Bill*—cont.

Moved, "That leave be given to present another Bill instead thereof" (*Mr. Fawcett*) ; after short debate, Moved, "That the debate be now adjourned" (*Mr. Downing*) ; after further short debate, Motion put, and negatived ; original Question put, and agreed to

*University Tests (Dublin) No 2) Bill*

c. Read 1<sup>o</sup> Mar 28 [Bill 109]  
 Bill withdrawn April 2

*University Tests (Dublin) (No. 3) Bill*

(*Mr. Fawcett, Dr. Lyon Playfair, Mr. Plunket, Viscount Crichton*)

215] c. Moved, "That this House will immediately resolve itself into a Committee to consider the abolition of Tests in Trinity College and the University of Dublin" (*Mr. Fawcett*) April 2, 505 ; Motion agreed to

Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Fawcett*) ; Debate adjourned

. Debate resumed April 3, 508 ; Question put, and agreed to ; Matter considered in Committee ; Resolution agreed to ; Bill ordered ; read 1<sup>o</sup> [Bill 124]

Moved, "That the Bill be now read 2<sup>o</sup>" April 21, 727

. Amendt. to leave out from "That," and add "this House fully recognises the importance of an early settlement of the question of University Education in Ireland, but is of opinion that such legislation could be more satisfactorily entered upon after the House has been put into possession of full information as to the opinions and wishes of the several Academic Bodies existing in Ireland, and of the Irish people generally, especially of the classes practically interested in the question, by means of a Royal Commission, with instructions to take evidence and report before the opening of the next Session of Parliament" (*Mr. Mitchell Henry*) v. 732 ; Question proposed, "That the words, &c.," after debate, Amendt. withdrawn ; main Question put, and agreed to ; Bill read 2<sup>o</sup>

. Order for Committee read May 5, 1820

Moved, "That it be an Instruction to the Committee, that they have power to provide for the establishment, as a College of the University of Dublin, of the institution known as the Catholic University" (*Mr. P. J. Smyth*) ; after debate, Question put ; A. 9, N. 85 ; M. 19 ; Committee ; Report

Considered May 7

Read 3<sup>o</sup> May 8

l. Read 1<sup>o</sup> (*Lord Cairns*) May 9 (No. 103)

. Bill read 2<sup>o</sup>, after long debate May 13, 1849

Committee ; Report May 15

Read 3<sup>o</sup> May 16

Royal Assent May 26 [36 Vict. c. 21]

*Vagrants Law Amendment Bill*

(*Mr. Pease, Mr. Wharton*)

c. Ordered ; read 1<sup>o</sup> April 2 [Bill 120]

Read 2<sup>o</sup> April 7

Committee ; Report April 30 [Bill 143]

Re-comm. ; Report May 5

Read 3<sup>o</sup> May 7

l. Read 1<sup>o</sup> (*Earl of Faversham*) May 8 (No. 98)

Bill read 2<sup>o</sup>, after short debate May 15, [215]

2011

Committee May 26, [216] 426

(No. 130)

Read 3<sup>o</sup> June 19

Royal Assent July 7 [36 & 37 Vict. c. 38]

*Valuation Bill*

(*Mr. Stansfeld, Mr. Secretary Bruce, Mr. Goschen, Mr. Bibbert*) [Bill 147]

c. Motion for Leave (*Mr. Stansfeld*) May 5, [215]

1509 ; Bill ordered, after debate ; read 1<sup>o</sup>

Bill read 2<sup>o</sup>, after short debate May 22, [216] 318

Question, Mr. Ashton Cross ; Answer, Mr.

Stansfeld July 18, [217] 607

Bill withdrawn July 18

*Valuation Department (Ireland)*

Moved, "That the present constitution of the Irish Valuation Department is unsatisfactory, and that it is desirable that an experienced and competent officer be placed at its head" (*The O'Conor Don*) April 1, [215] 422 : after debate, Question put, and negatived

*VANCE, Mr. J., Armagh City*

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Question Sir John Lubbock ; Answer, Mr.

Goschen Mar 25, [215] 110 ; Question, Sir

David Wedderburn ; Answer, Mr. Goschen

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Question, Sir Michael Hicks-Beach ; Answer, Mr. Hibbert June 17, [216] 1063

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- Vexatious Objections (Borough Registration) Bill**  
 (Mr. Railbone, Mr. Whitbread, Mr. Massey)  
 c. Ordered; read 1<sup>o</sup> \* Feb 10 [Bill 37]  
 Read 2<sup>o</sup> Feb 18, [214] 605  
 Bill withdrawn \* July 28
- Victoria Embankment (Somerset House) Bill** (Mr. Ayrton, Mr. Baxter)  
 c. Ordered; read 1<sup>o</sup> \* Feb 10 [Bill 41]  
 Read 2<sup>o</sup> Feb 24  
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 l. Read 1<sup>o</sup> \* (*The Duke of St. Albans*) Feb 27  
 Read 2<sup>o</sup> Mar 10 (No. 28)  
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*Inland Revenue—Income Tax Appeals*, Question, Mr. Cadogan; Answer, The Chancellor of the Exchequer Feb 17, [214] 540  
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*Sugar Duties—International Conference*, 1864,  
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**WAYS AND MEANS**

[215] Considered in Committee April 7, 654 —  
 Financial Statement of the Chancellor of the  
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 "That, towards raising the Supply granted  
 to Her Majesty, there shall be charged, col-  
 lected, and paid for one year, commencing on  
 the sixth day of April, one thousand eight  
 hundred and seventy-three, for and in respect  
 of all Property, Profits, and Gains mentioned  
 or described as chargeable in the Act passed  
 in the sixteenth and seventeenth years of Her  
 Majesty's reign, chapter thirty-four, for  
 granting to Her Majesty Duties on Profits  
 arising from Property, Professions, Trades,  
 and Offices, the following Rates and Duties  
 (that is to say) :

For every Twenty Shillings of the annual  
 value or amount of all such Property,  
 Profits, and Gains (except those charge-  
 able under Schedule (B) of the said Act),  
 the Rate or Duty of Three Pence ;

And for and in respect of the occupation of  
 Lands, Tenements, Hereditaments, and  
 Heritages chargeable under Schedule (B)  
 of the said Act,

For every Twenty Shillings of the annual  
 value thereof;

In England, the Rate or Duty of One  
 Penny Halfpenny ; and

In Scotland and Ireland respectively, the  
 Rate or Duty of One Penny Farthing ;

Subject to the provisions contained in section  
 twelve of the Act of thirty-fifth and thirty-  
 sixth Victoria, chapter twenty, for the ex-  
 emption of Persons whose whole Income from  
 every source is under One Hundred Pounds  
 a-year, and relief of those whose Income is  
 under Three Hundred Pounds a-year"

After long debate, Resolution agreed to ; other  
 Resolutions moved, and agreed to

Resolutions reported April 24, 905

Moved, "That the Resolutions be now read a  
 second time"

Amendt. to leave out from "That," and add  
 in the opinion of this House, the Brewers'  
 Licence Duty is unfair and oppressive in its  
 operation, and should have been considered  
 by the Government in the remission of Taxa-  
 tion" (Sir Henry Selwin-Ibbetson) v. ; Ques-

[cont.]

**WAYS AND MEANS—cont.**

tion proposed, "That the words &c. ;" after  
 debate, Amendt. withdrawn ; original Ques-  
 tion put, and agreed to

First Resolution (Income and Property Tax)  
 agreed to

Second, Third, and Fourth Resolutions (Sugar  
 Duties) read a second time, and re-committed

Fifth Resolution (Tea Duty) and Sixth Resolu-  
 tion (£1,600,000 Exchequer Bonds) agreed to  
 [215] Seventh Resolution (Payment of Exchequer  
 Bonds), 939 ; after debate, agreed to

Eighth Resolution (Interest of Exchequer  
 Bonds), agreed to

Moved, "That the House do now resolve itself  
 into the Committee of Ways and Means,"  
 921 ; after long debate, Motion agreed to

Ways and Means considered in Committee—  
 Second, Third, and Fourth Resolutions  
 (Sugar Duties) moved (on re-comm.), and,  
 after debate, withdrawn

Then other Resolutions moved in lieu thereof,  
 and agreed to

Resolutions reported April 28, 1030

Moved, "That the said Resolutions be now  
 read a second time"

Amendt. to leave out from "That," and add  
 "before deciding on the further reduction of  
 indirect taxation, it is desirable that the  
 House should be put in possession of the  
 views of the Government with reference to  
 the maintenance and the adjustment of direct  
 taxation, both imperial and local" (Mr. W.  
 H. Smith) v. ; Question proposed, "That  
 the words, &c. ;" after long debate, Moved,  
 "That the Debate be now adjourned" (Mr.  
 Stephen Cave) ; Motion agreed to ; Debate  
 adjourned

Debate resumed May 1, 1300 ; after long de-  
 bate, Question put, and agreed to ; main  
 Question put, and agreed to ; Resolutions  
 read a second time, and agreed to

Considered in Committee (£26,470 7s. 6d. Con-  
 solidated Fund) July 28, [217] 1158

Resolution reported July 29

**SUMMARY.**

**WAYS AND MEANS.**

**GRANTS OUT OF THE CONSOLIDATED FUND.**

| For the service of            | £          | s. | d. | £ | s. | d. |
|-------------------------------|------------|----|----|---|----|----|
| the years ending              |            |    |    |   |    |    |
| 31st March 1872               |            |    |    |   |    |    |
| and 1873 ;                    |            |    |    |   |    |    |
| Under Act 36 Vict.            |            |    |    |   |    |    |
| cap. 3 ... ... ... ...        | 453,346    | 19 | 9  |   |    |    |
| For the service of            |            |    |    |   |    |    |
| the year ending               |            |    |    |   |    |    |
| 31st March                    |            |    |    |   |    |    |
| 1874 ; viz.                   |            |    |    |   |    |    |
| Under Act 36 Vict.            |            |    |    |   |    |    |
| cap. 3 ... ... 8,864,000      | 0          | 0  | 0  |   |    |    |
| Under Act 36 Vict.            |            |    |    |   |    |    |
| cap. 26 ... 12,000,000        | 0          | 0  | 0  |   |    |    |
| Under this Act ... 26,470,716 | 0          | 0  | 0  |   |    |    |
|                               | 47,334,716 | 0  | 0  |   |    |    |
| Total ... £47,788,062         | 19         | 9  |    |   |    |    |

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**WEDDERBURN, Sir D., Ayrshire, S.**  
 Army—India—Majors of Artillery, [215] 1404  
 Army Estimates—Militia Pay and Allowances,  
     Amendt. [214] 1158  
 Canada Loan Guarantee, 2R. [216] 1326  
 \*East India (Financial Statement), Res. [215]  
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 East India Revenue Accounts, Comm. [217]  
     1493  
 France—Passports, [215] 602  
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     1367, 1373  
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     [216] 840  
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     Salaries, [216] 1862  
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     Ireland, [215] 1457  
 Supreme Court of Judicature, 3R. Amendt.  
     [217] 785  
 University Tests (Dublin) (No. 3), Comm.  
     cl. 3, [215] 1533  
 Venus, Transit of, in 1874, [216] 1171

**WEGUELIN, Mr. T. M., Wolverhampton**  
 Currency—Bank Act, [215] 154

**Weights and Measures Acts**

Moved, "That it is inexpedient to continue the employment of Superintendents of Police and Police Constables as Inspectors of Weights and Measures" (*Mr. Goldney*) June 17, [216] 1065; after short debate, Motion withdrawn

**Weights and Measures—The Metric System**  
 —Legislation

Question, Lord George Hamilton; Answer, Mr. Chichester Fortescue Feb 13, [214] 375; Question, Mr. J. B. Smith; Answer, Mr. Chichester Fortescue Feb 24, 833

**Weights and Measures (Metric System)**  
 Bill

(*Mr. John Benjamin Smith, Sir Charles Adderley, Sir Thomas Basley, Mr. Torr, Mr. Barnes, Mr. Pell, Mr. Muntz, Mr. Dalglish*)  
 o. Ordered; read 1<sup>o</sup>\* Mar 5 [Bill 90]  
 Bill withdrawn, after short debate July 16, [217] 461

**WELBY, Mr. W. E., Lincolnshire, S.**  
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 Army—Depot Centres—Lincoln—Grantham,  
     [216] 1706  
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     Re-comm. cl. 3, Amendt. [217] 778  
 Post Office—Halfpenny Post Cards, [214] 1101  
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**WELLS, Mr. E., Wallingford**  
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**WEST, Mr. H. W., Ipswich**  
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     511  
 County Court Judges—Minute of June, 1872,  
     Res. [214] 1305, 1307, 1308, 1309  
 Juries, Comm. cl. 6, Amendt. [216] 517; cl. 7,  
     528; cl. 9, 580; cl. 52, 1514; cl. 57, 1518,  
     1519  
 Local Courts of Record, [214] 724  
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 Rating (Liability and Value), Comm. cl. 8,  
     [216] 1024; Consid. [217] 420  
 Supply—Court of Chancery, [215] 1773  
     Law Officers, &c., [215] 1771  
 Supreme Court of Judicature, 2R. [216] 858;  
     Comm. cl. 18, 1749; cl. 22, 1804; cl. 31,  
     Motion for reporting Progress, 1888

**Westminster, Palace of—Acquisition of Land**  
 Question, Lord John Manners; Answer, Mr./  
     Ayrton June 16, [216] 990; Observations,  
     Mr. Bouvierie; debate thereon July 30,  
     [217] 1269 [See Supply July 28, July 31]

**WHALLEY, Mr. G. H., Peterborough**

Canterbury Cathedral—Alleged "Pilgrimage,"  
     [217] 603, 605  
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     [216] 1869  
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     266  
 India—Scripture Readers—Sandwell, Mr., [217]  
     210  
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     1775  
     Courts of Probate and Divorce, &c. [215]  
     1776  
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     land, [215] 1456  
     Superior Courts of Common Law, Motion  
     for reporting Progress, [215] 1775

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**WHARTON, Mr. J. L., Durham**

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**WHEELHOUSE, Mr. W. St. James, Leeds**

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**WHITBREAD, Mr. S., Bedford**

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**WHITE, Mr. J., Brighton**

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**WHITWELL, Mr. J., Kendal**

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**Wild Animals (Scotland) Bill**  
(*Mr. James Barclay, Mr. Forsythe, Mr. Trevelyan*)  
c. Ordered; read 1<sup>o</sup> \* July 16 [Bill 243]  
2R. [Dropped]

**Wild Birds Protection Act—Penalties**

Question, Mr. Wheelhouse; Answer, Mr. Brace Feb 21, [214] 789; Question, Mr. Auberon Herbert; Answer, The Attorney General May 19, [216] 100

Moved, "That a Select Committee be appointed, with power to take evidence, to inquire into the advisability of extending the protection of a close season to certain Wild Birds not included in the Wild Birds Preservation Act of 1872" (*Mr. Auberon Herbert*) April 29, [215] 1187

After short debate, Amendt. to leave out "extending the protection of a close season to certain Wild Birds not included in," and insert "amending" (*Mr. Stuart Parker*) v.; Question, "That the words, &c.," put, and agreed to; main Question put; A. 162, N. 16; M. 146; Select Committee appointed

And, on May 15, Committee nominated as follows:—Mr. Auberon Herbert (Chairman), Colonel Beresford, Mr. Dillwyn, Captain Greville, Mr. Hambro, Mr. Heron, Mr. Andrew Johnston, Mr. Jones, Colonel Parker, Mr. Price, Mr. Sturt, Mr. Sykes, Sir David Wedderburn, and Mr. Rowland Wian; July 16 Mr. Wykeham Martin added, Mr. H. B. Samuelson died.

Report of Select Committee July 23 No. 338

**WILLIAMS, Mr. Watkin, Denbigh, &c.**  
Elementary Education Act (1870) Amendment, Consid. cl. 23, [217] 962  
Juries, Comm. cl. 5, [216] 518, 526; cl. 55, Amendt. 1517  
216] Supreme Court of Judicature, 2R. 685, 880; Comm. cl. 22, 1800; cl. 24, 1804; cl. 26, Amendt. 1871, 1872  
217] cl. 46, 44

**WILMOT, Colonel Sir H., Derbyshire, S.**  
Elementary Education, [216] 835

**WINCHESTER, Bishop of**  
Church Association—Confession, Motion for a Select Committee, [217] 279; Explanation, 386  
Colonial Church, 2R. [216] 493  
Registration of Births and Deaths, Comm. Amendt. [215] 1666  
Supreme Court of Judicature, 3R. [215] 1479  
Zanzibar—Sir Bartle Frere's Mission, Motion for Correspondence, [215] 1781

**Winchester, The late Bishop of, and the late Lord Westbury**  
Observations, The Duke of Richmond July 21, [217] 621; Observations, Earl Granville; short debate thereon July 23, 736

**Windward Islands and Trinidad—Ecclesiastical Policy**

Moved, "That this House disapproves of the Ecclesiastical Policy of Her Majesty's Government in the Windward Islands and in Trinidad" (*Mr. Charley*) July 15, [217] 424; after debate, Question put; A. 69, N. 83; M. 14

**WINGFIELD, Sir C. J., Gravesend**

Army—Claims of Indian Officers—Bonus Fund, [214] 543  
Troop Horses (India), [215] 608  
Central Asia—Boundary Line, Motion for an Address, [214] 772  
Central Asia, Motion for an Address, [215] 848  
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East India (Financial Statement), Res. Amendt. [215] 411  
East India Revenue Accounts, Comm. [217] 1468  
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Fiji, Protectorate of, Res. [216] 941  
India—Railway Gauge, [215] 837;—Punjab Lines, 1928  
India—Euphrates Valley Railway, Res. [215] 617  
India—Offering of the Indian Army, Motion for an Address, [217] 1057  
India—Railway Gauge, Res. [214] 1553  
Parliament—Address in Answer to the Speech, Report, [214] 170  
Slave Trade—Zanzibar, [215] 603  
South Africa, [214] 803

**WINTERBOTHAM, Mr. H. S. P. (Under Secretary of State, Home Department), Stroud**

Building Societies, [216] 18  
Building Societies (No. 2), Leave, [215] 1190  
Criminal Law (Ireland)—Montgomery, The Convict, [217] 1530  
Ireland—Belfast Assizes—M' Aleese, Mr., Case of, [215] 680  
Lunacy Commission—Lutwidge, Mr. Commissioner, Death of, [217] 1517  
Merchant Shipping Act—“Maggie,” The, [215] 650  
Metropolitan Police—Goodchild, Constable, [215] 643  
Prevention of Crime, 2R. [214] 752  
Salmon Fisheries Commissioners, Comm. [214] 1959; 3R. [215] 88, 89

**Women's Disabilities Bill**

(*Mr. Jacob Bright, Dr. Lyon Playfair, Mr. Eastwick*)

c. Ordered; read 1<sup>o</sup> \* Feb 7 [Bill 17]  
Moved, "That the Bill be now read 2<sup>o</sup>" April 30, [215] 1194  
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Bouvierie*), 1214; after debate, Question put, "That 'now,' &c.;" A. 155, N. 222; M. 67; words added; main Question, as amended, put, and agreed to; Bill put off for six months

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Woods and Forests Bill</b> —See title <i>Crown Lands Bill</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>YORK, Archbishop of</b><br><i>Admission to Benefices and Churchwardenships</i> , Comm. cl. 5, [216] 1409<br><i>Church Association—Confession</i> , Motion for a Select Committee, [217] 287<br><i>Colonial Church</i> , 2R. [216] 492<br><i>Sites for Places of Religious Worship, Report</i> , [216] 1082<br><i>Supreme Court of Judicature</i> , 3R. [215] 1479                                            |
| <b>Woods, Mr. H., Wigan</b><br><i>Railway and Canal Companies—Joint Committee</i> , [215] 1486<br><i>Railway and Canal Traffic</i> , Comm. cl. 10, [215] 377; cl. 11, 384; cl. 33, 595                                                                                                                                                                                                                                                                                                                                                                                      | <b>YORKE, Mr. J. R., Gloucestershire, E.</b><br><i>Parliamentary Elections (Expenses)</i> , 2R. [216] 1122<br><i>Rating (Liability and Value)</i> , Comm. cl. 3, [216] 920, 928<br><i>Shah of Persia, Visit of</i> — <i>Naval Review at Spithead</i> , [216] 909                                                                                                                                                |
| <b>Workmen's Compensation for Injuries—Legislation</b><br><i>Question</i> , Mr. Hindle Palmer; <i>Answer</i> , Mr. Chichester Fortescue June 5, [216] 614                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>YOUNG, Mr. A. W., Helston</b><br><i>Juries</i> , Comm. cl. 1, Amendt. [215] 2072<br><i>Rating (Liability and Value)</i> , Comm. cl. 3, [216] 1069                                                                                                                                                                                                                                                            |
| <b>Workshops Act</b><br><i>Observations, Resolution</i> , Mr. G. Dalrymple; <i>Reply</i> , Mr. Bruce; <i>debate thereon April 25</i> , [215] 991                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Zanzibar and Cape Mail Contracts</b> —See title <i>Post Office</i>                                                                                                                                                                                                                                                                                                                                           |
| <b>WYNDHAM, Hon. P. S., Cumberland, W.</b><br><i>Canada, Dominion of—Fisheries</i> , [215] 2018<br><i>Consolidated Fund (Appropriation)</i> , 2R. [217] 1381<br><i>Parliament—Address in Answer to the Speech, Report</i> , [214] 157<br><i>Public Worship Facilities</i> , 2R. [214] 970<br><i>Rating (Liability and Value)</i> , 2R. [216] 288; Comm. cl. 8, 1008, 1010; Amendt. 1011, 1075, 1077, 1082; cl. 15, 1427; Consid. [217] 416; Amendt. 423<br><i>Treaty of Washington</i> , [215] 1442, 1449<br><i>University Education (Ireland)</i> , 2R. Amendt. [214] 1435 | <b>Zanzibar, Slave Trade at</b><br><i>Question</i> , Sir Charles Wingfield; <i>Answer</i> , Viscount Eofield April 4, [215] 603                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Zanzibar—Sir Bartle Frere's Mission</b><br><i>Moved that an humble Address be presented to Her Majesty for Copies of the correspondence between the British and French Governments on the Mission of Sir Bartle Frere to Zanzibar; of the Instructions given to Sir Bartle Frere; and of his subsequent despatches (<i>The Lord Stratheden</i>) May 12, [215] 1779; after short debate, Motion withdrawn</i> |

ERRATA.

- In Vol. [215] page 583, line 29 from bottom, for "155 tons," read "87 tons."  
 In Vol. [215] page 584, line 24 from top, for "44," read "43."  
 In Vol. [215] page 584, line 26 from top, for "56," read "55."  
 In Vol. [215] page 584, line 29 from top, for "56," read "55."  
 The passage from Livy, quoted by Sir John Trelawny, Vol. [215] p. 1257, should read—"Matronæ nullæ auctoritate, nec verecundia, nec imperio virorum continere limine poterant.  
     Atque ego vix statuere apud animum meum possum utrum peior ipsa res est an pejore exemplo agatur."  
 In Vol. [216] page 110, line 29 from top, for "decreased," read "increased."  
 In Vol. [217] page 493, line 5 from bottom, for "several learned Societies," read "the Royal Society."  
 In Vol. [217] page 494, lines 8 to 11 from top, for "entire possession until the learned Societies had transferred themselves to their new apartments. This, he believed, would happen in September next," read "entire possession until the Royal Society had transferred itself to its new apartments. This, he believed, would happen in November next."

END OF VOLUME CCXVII., AND FOURTH AND LAST  
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